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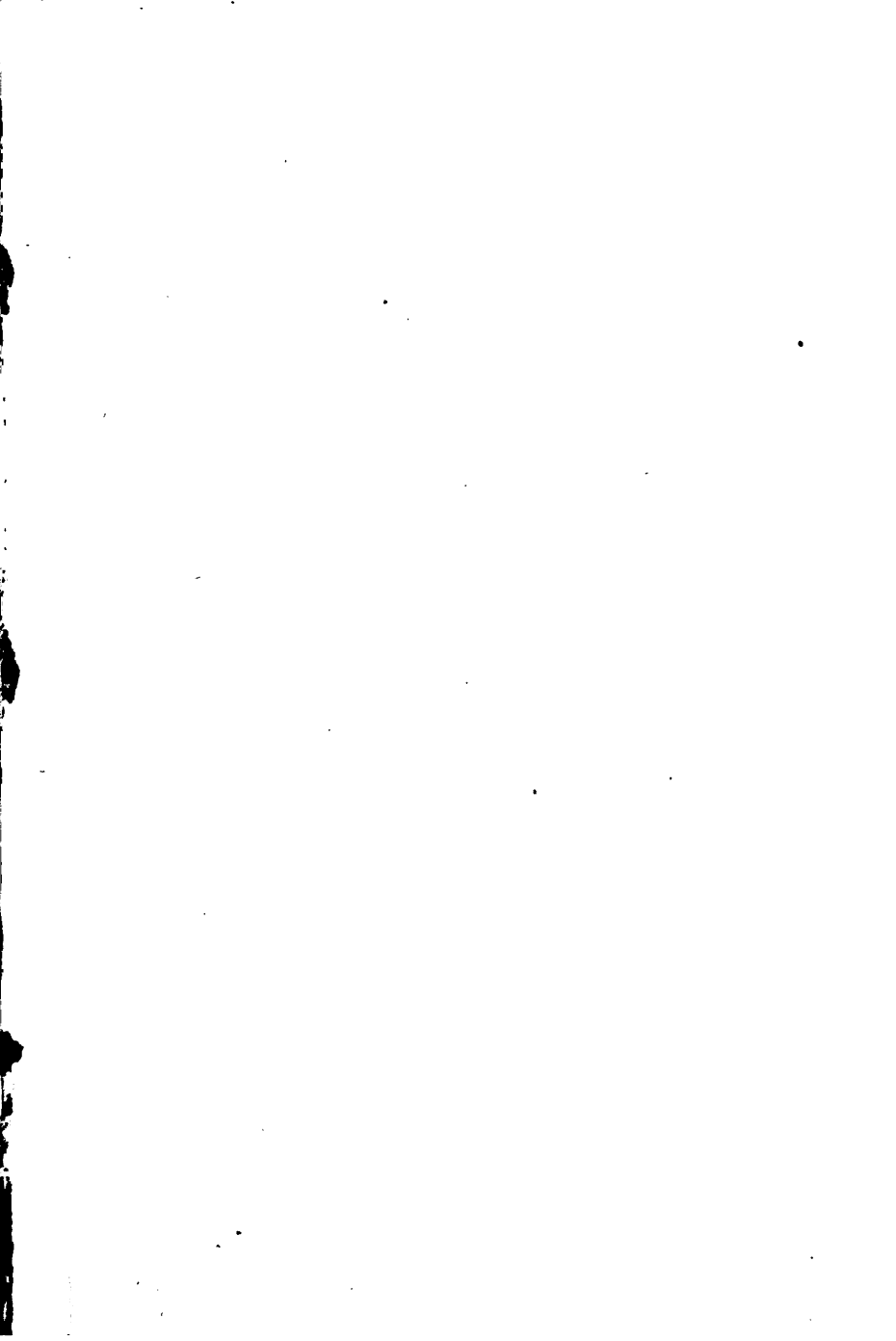
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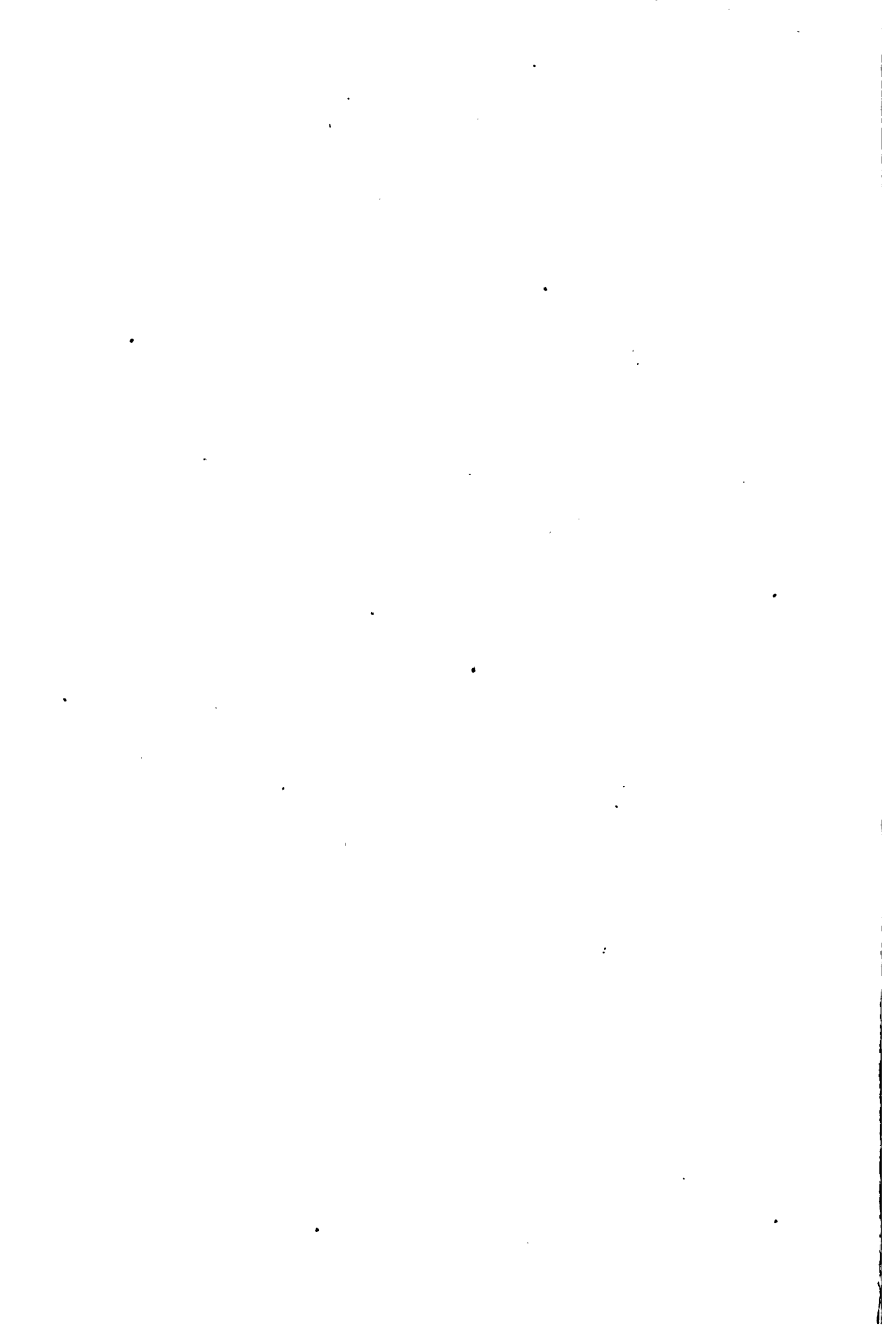


COLLECTION ON THE HISTORY OF  
THE UNITED STATES NAVY

GIFT OF  
GARDNER WELD ALLEN  
(CLASS OF 1877)  
OF BOSTON

OCTOBER 22, 1915





# AMONG OUR SAILORS.

By J. GREY JEWELL, M.D.,

LATE UNITED STATES CONSUL, SINGAPORE.

WITH AN APPENDIX CONTAINING EXTRACTS FROM THE LAWS  
AND CONSULAR REGULATIONS GOVERNING THE  
UNITED STATES MERCHANT SERVICE.



*NEW YORK:*

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## P R E F A C E.

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A WORK embracing the topics of the present one has long been needed by the American people, to awaken them to the necessity of doing something to protect from their cruel oppressors the unfortunate men who become sailors. I have vainly examined many libraries in the hope of discovering some work deprecating the unjust expectations which ship-owners, underwriters, and consignees have of the officers commanding their ships; some work that would denounce the unmerited, unmerciful, and cruel punishments inflicted upon American sailors, when at sea, in the merchant and naval services; some work that would expose the defective and unjust laws which enslave the sailor and screen his oppressors. I have long waited, hoping that some one more capable would come forward and defend the defenseless sailor, and awaken an interest in his behalf. This hope having failed, I determined to write what I know about these things, having been constantly brought into contact with our sailors during the past few years.



I wish it to be understood that it is not my purpose to flatter seamen or to malign ship-owners. The relations which exist between officers and seamen are scandalous ; there are good and bad men on both sides, but the bad prevail by a fearful majority, and through an exposure of the existing evils I hope to awaken some practical interest among my countrymen for the benefit of both classes.

I have no desire or intention to disguise the fact that, as a result of my experience, my sympathies are largely with the abused sailor, and against his oppressors.

If American ship-owners are induced to become more generous to and less exacting of their officers ; if they will become less avaricious, and more regardful of the human lives on board the floating coffins they send to sea ; if ship-masters and mates will become more familiar with the laws and regulations governing the merchant service, and less cruel to poor Jack, my object will have been accomplished.

The Appendix will be found of great benefit to ship-owners and ship-masters, as it contains extracts from the principal United States Statutes and Consular Regulations governing the merchant marine.

While ship-owners, ship-masters, officers, and sailors of all grades will find matter of much value to them in this work, it is to be hoped that the general reader will be sufficiently in-

terested in the facts briefly stated to become a defender of the American sailor, and exert some personal influence to remedy the evils I have exposed.

During the progress of this work there has been published in England a work on British seamen, written by Mr. Plimsoll, member of Parliament for Derby. This work was mainly devoted to an exposure of the unseaworthy character of the ships in which seamen are sent to sea, of the over-insurance of vessels by underwriters, and of the prevalent abuse of overloading. The agitation which this book developed led to the appointment of a Royal Commission for the investigation of the abuses indicated. The testimony before this Commission fully justified Mr. Plimsoll's plea, and will probably lead to efficient remedial legislation.

The work which I here lay before the American public, while it considers the abuses of which Mr. Plimsoll complains, is especially devoted to an exposure of the cruelties inflicted upon seamen by their officers. In carrying out my purpose, I could not avoid the relation of facts. My statements have been made with sufficient explicitness to enable the reader to investigate the facts for himself; but the names of persons have been generally omitted, since the writer has only had to deal with abuses, and not with the perpetrators of them.

Some statements have been added while the work was going through the press ; but these have been given, as they came to the writer, in the shape of newspaper extracts.

The record is necessarily incomplete. Every month adds its tale of needless disaster to ships and of fresh cruelty to seamen.

Many books have been written dealing with the romantic phases of sailor life. Much of this romance the writer of this work has been compelled to dispel. His official experience as consul has made him familiar with the more repellant features of a seaman's career. The sea has been the scene of the boldest adventures ; but it has also been the theatre of the most brutal and revolting of human manifestations. With these latter it has been no pleasing task to deal, but rather a stern duty—an imperative necessity. The author has done his work. It remains with the reader to do his, as his responsibility or his humanity may dictate.

J. GREY JEWELL.

NEW YORK, *December 1, 1873.*

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# AMONG OUR SAILORS.

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## CHAPTER I.

Rapid Increase in the Demand for Sailors.—They are Short-lived.—Officers and Men.—Owners and Underwriters.—Responsibility of Captains to both.—The Impossibility of Serving Two Masters.—Wages.—Instructions.—Privileges.—Education.—Liquors forbidden.—Self-made Men.—Collegians.—Profanity and Brutality.—Ambitious Mates.—The Family Question.—Too much required of Ship-masters.—Insurance on Ships too large.

THE growing commerce of the world daily increases the demand for sailors. The hardships, abuses, and cruelties they are made to suffer is rapidly diminishing their number, especially in American ships. This is shown by the small number of native American sailors, and the high wages paid foreign sailors to sail in our ships. Thirty years ago 90,000 seamen were sufficient for the demands of American commerce; now we require 500,000. In the British and American merchant marine there are more than 1,000,000 men; and at least 3,000,000 men find employment on the sea in various parts of the world. There are nearly 30,000 vessels of all kinds under the American flag, with an aggregate capacity of over 4,000,000 tons. This is proved by the latest statis-



tics, which also exhibit the startling fact that sailors are the most short-lived of all men, averaging only twelve years of sea-service to each man.

I have had much to do with these people, and find them to be a distinct and peculiar species of the *genus homo*—a kind of floating gypsy. After many and lengthy conversations with all grades of sailors, intelligent and ignorant, captains,\* officers, men, and boys, and much intercourse with them afloat and ashore, I have come to the conclusion that the life of a sailor, in the merchant service, is a hard and unenviable one. Let us see why.

If the sailor is a *captain*, he is subject to and under the influence of—

*First*, the owners of his ship;

*Second*, the underwriters, who insure his ship.

If the sailor is an *officer* (mate, etc.), he is under the immediate eye and control of—

*First*, his captain, whom he desires to please;

*Second*, the owners of the ship, from whom he expects promotion on the representation of the captain;

*Third*, the underwriters, who have their eyes on *him* also, and whose opposition may prevent his getting promotion and a ship.

If the sailor is a *second mate*, *third mate*, *boatswain*, or *carpenter*, he is at the beck and call of the captain and first mate, and under their immediate supervision; at the same time be-

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\* All officers of American vessels must be citizens of the United States. See Appendix A, note 1.

ing held to a strict responsibility by the owners for any deficiency or neglect.

If the sailor is *cook* or *steward*, he is responsible for the stores; he must see to it that there be no waste, being careful not to tempt the men by setting before them too much food. The stores *must* hold out, let the voyage be as long as it may; little or no allowance is made for any deficiency. If the stores fall short, the steward and cook are to blame—there has been a leak somewhere.

If the sailor is an *ordinary seaman*, he is subject to orders from all the officers, including captain, mates, boatswain, and carpenter.

If the sailor is a *boy*, that is, a young novice who is making his first voyages, he is not expected or required to do full duty, and receives merely nominal wages (five dollars per month); but he is the slave of all the others, subject to their orders, and too often the victim of their execrations and brutal violence.

These are the different classes which form a ship's company or crew. Among them all, at the head of all, stands the captain, the highest officer, in whom the chief trust reposes, and upon whom rests the largest responsibility. He is all-powerful at sea, and on shore he is held to a strict responsibility by the owners, by the underwriters, and by the law. What is required of him? What is his capacity to meet these requirements? What means and materials are placed at his disposal to meet the demands made of him?

A ship-captain, in nine cases out of ten, is a man of very

limited education. He is of humble origin, and his parents were too poor to give him an academic course. His services at an early age were necessary to help support his parents and the other members of the family. He began his business life young. If raised on the coast, he naturally resorted to the sea, shipping as cabin-boy or before the mast, or serving on some one of the vessels engaged in the fisheries. Having gone one voyage, he becomes ambitious to rise in the service, and, even if the opportunity were offered, he would repudiate further schooling. His discipline henceforth must be in the hard school of experience. If he prove alert, industrious, energetic, economical, and temperate, he soon attracts attention, and will rise, purely on his own merits, from cabin-boy to steward, to ordinary seaman, to boatswain, to second mate, to first mate, to captain. When he reaches this, to him, exalted position, after many years of hard toil, hundreds of sleepless nights, and frequent

“Hair-breadth ’scapes by sea and land,”

he fondly believes his troubles are all to cease, and that he will live like a prince on the pay of a captain. But, alas! he soon discovers that his troubles have but just begun. With promotion and increased pay have come enlarged responsibilities; and the demands made upon him are of the most confusing nature. His owners expect him to sacrifice to their interests, in a great measure, his domestic comfort, pleasure, and happiness—not to go further and say his truth and honesty also. Upon their order, when the ship is ready

for sea, he must leave his family without a moment's hesitation, and proceed on a voyage of one, two, or three years, as the case may be. Upon an order from the owners, he must proceed to sea if the wind is blowing a gale. The ship is ready; the crew is under pay; the owners are anxious to get their produce to a market, and if there is any delay their interests suffer. The ship *must* go! She may be rotten in her timbers, she may be leaky, she may be overloaded, she may be short of men, or badly victualed, or insufficiently supplied with extra sails, spars, boats, etc.; but she *must* go! The owners lose hundreds of dollars for every day she lays in port after she is ready for sea. When he gets to sea, the owners expect the captain to run *all kinds of risks*; to make, as nearly as he can, the quickest passage on record. When he reaches port, if he is the owner's agent, he must take every advantage of the market, and get the best possible price for his cargo, and, at the same time, he must keep down the expenses to the very lowest point. The owners have the bills of other vessels belonging to them, when in the same ports, and if one captain's bills exceed those of other captains, it becomes a serious matter. If the ship is for sale, the captain is expected by the owners to swear that a leaky old hulk is as tight as a bottle; that a slow old tub sails like a duck, and is as swift as the wind. He must pronounce her a splendid sea-boat; her timbers may be rotten, but the captain must assert that they are perfectly sound. If the seamen have been shipped in the States at high wages, the captain is expected by mean owners to so treat them on the voyage out, by beatings, by over-

work, by "hazing," by doling out insufficient or improper food, that they will desert at the first port touched at, or demand their discharge from the consul. In any case, *he must get rid of them*, and ship another crew at lower wages. In fine, he must do every thing, and swear to any thing that his conscience will permit (and many things it will rebuke him for), to advance the owner's interests.

As an inducement to such exacting service, the American ship-master receives from fifty to one hundred and fifty dollars per month. Few captains of sailing-vessels receive more than the latter sum, the average wages being about seventy-five dollars per month. In steam-ships it is somewhat higher, averaging two hundred dollars per month; in the Pacific Mail Steam-ship Company's line, the pay of captains extends from two thousand five hundred to five thousand dollars per year, according to length of service. But these latter rates are extraordinary, and are expected to command the services of the best men.

We have shown what are the expectations of the owner of a ship, and what demands he makes upon the captain. But here steps in the underwriter, and announces to the captain, in effect, that *his* interests are exactly the opposite of the owner's. "I warn you," says the underwriter, "to exercise great care and diligence, and *run no risks* whatever. If you do run risks we are pretty sure to find it out, and we shall mark you as an unsafe captain; and we may refuse to insure vessels commanded by you, and you would thereby lose your position." This is just the reverse of the owner's wishes and in-

structions. If the captain is energetic and ambitious, anxious to please the owner and get his cargo speedily to market, he will run during fogs, in heavy weather on the coasts, in the vicinity of islands, reefs, and shoals, and try in every way to make a quick passage; but should he make a mistake or an error of judgment, by mistaking his true position, or one point of land or one island for another, and thereby lose his ship, his reputation is forever gone with the underwriters. The ship and cargo may have been heavily insured by them, and thus they may lose by the captain's mistake from a half-million to a million and a half of dollars. The captain may be a good sailor, thoroughly understand navigation, and may have been successful in navigating vessels in all parts of the world for twenty years, and never have had an accident before; but this one loss is his ruin. The underwriters, as a rule, will, for the present at least, decline to insure any ship commanded by that captain. Now if the captain does not run risks, and thereby take advantage of the winds and currents, and thus make speedy passages and quick returns to the owners, he is looked upon with disfavor, and loses prominent positions in the gift of the owners. "Slow and sure" is not the motto for an American sea-captain. He is thus placed between two fires: he is expected to serve two masters, and be faithful to both, although their interests are exactly opposite.

As the owner of the ship is the employer of the captain, it is natural for the latter to lean to his side. He might make a hundred successful voyages without receiving the slightest notice from the underwriters; under the same circumstances,

the owners would not only commend him, but they would increase his pay, and otherwise advance his interests. Both owners and underwriters are very exacting; but the owner is the only one who remunerates for service, this remuneration sometimes extending to a small interest in the ship or cargo. Liberal owners occasionally furnish a favorite captain with a letter of credit for a stated sum, which he is permitted to invest in commodities that he may bring home in their ship free of charge, to be sold at his risk and expense, of course, he receiving all the profit of the sales. I have known a case of the kind where a New York firm allowed one of their captains a letter of credit amounting to \$20,000, and the privilege of carrying twenty tons of freight free, in addition to his monthly wages. But, of course, such cases are rare.

Both owners and underwriters, as a rule, require temperate men for captains, indeed for all the officers of their ships. A man who is known to be habitually addicted to the use of intoxicating liquors, or to be even occasionally intoxicated, is very properly refused employment by the better class of ship-owners, because property of immense value, and many human lives, are frequently confided to the care of ship's officers. I regret to say I have known several instances where ship-owners have been grossly imposed upon, this rule not being observed as strictly as it should be by the captain when the ship was at sea. There are owners of American ships who care very little about the captain's habits. No man who is known to use stimulants as a beverage should, under any circumstances, be allowed to act as an officer of a ship.

The reader will see by the foregoing that a great responsibility rests upon a ship-captain, and, I presume, will agree with me in believing that too much is expected of him. It must be borne in mind that, as I have before said, sea-captains are not highly educated men. Most of them are graduates of the fore-castle, and some make it a boast that they "did not come in through the cabin windows," alluding to the pet of some owner, who has studied navigation at school, and is given command of a ship on his first voyage. The real captain has generally served in all the subordinate positions, from cabin-boy to first mate, knowing the use of every rope and spar, and every part of the ship, and every man's duty and station therein. Some captains there are who have not even had a common-school education; the wonder is how they know so much, having learned so little from books. Perhaps the great German philosopher, Alexander von Humboldt, struck the key-note as to the cultivation of sailors as well as nations when he said that "contact with the ocean has unquestionably exercised a beneficial influence on the cultivation of the intellect, and the formation of the character of nations." I need scarcely say that a thorough education is no disadvantage to men who follow the sea, any more than it is to any other class; indeed, I think it is a special advantage to them. The few highly cultivated ship-captains whom it has been my good fortune to meet, were, in every case, an honor to their profession, being thorough sailors and thorough gentlemen at the same time. And where the addition of a strong religious feeling exists in such persons, they stand forth as glorious representatives of humanity.



Although few are well educated, a large majority poorly, and some not at all, nine out of ten captains will be found to be men of excellent natural qualifications for business; men of good, strong, practical common-sense, superior in thrift, industry, and enterprise to many who belong to the more pretentious professions. Those of American birth and parentage are shrewd, and quick to take advantage of every opportunity that may redound to their own personal emolument, or that of their owners, or which may enhance the honor of their country. And yet among these very men may be found those who make constant use of the most profane language, the most ribald conversation, and take pleasure in the most obscene jests; those who in every port resort to haunts of vice; who during a voyage make themselves a terror to their fellow-men by horrible acts of cruelty. It may seem strange that men who have served in inferior position themselves for years, and suffered from coarse associations and cruelties, should adopt the same infamous practices when they rise to positions of command. Such, however, is the fact.

Ship-owners, as a rule, endeavor to get captains for their vessels at a low rate of pay, and in this they are successful, because there are always ambitious young mates desirous of promotion. Such mates have a smattering of navigation, and are willing to take lower wages than older men of greater ability and experience. They can afford to do this, being generally unmarried men, having no incumbrances. As mates, they receive from \$35 to \$50 per month, and serve in a subordinate capacity; as captains they would receive from \$75

to \$150 per month, and hold the highest rank. The older man may be a captain of twenty years' standing, and understand all about the tides, currents, shoals, reefs, headlands, islands, and inlets of the seas of the globe (and an intimate knowledge of these is absolutely necessary, in order to avoid the danger of mistaking the true position of the vessel); he may be practical and safe; he may have a large family dependent upon him; but in too many instances all these considerations are thrust aside. Unless the older and better man can afford to sail the ship for small wages, the mate, who can, gets the command, and he will not hesitate long about taking it. In this way the salaries of captains are kept low.

It is a rare thing for a ship-captain to be allowed to take his wife with him to sea. The owners, not without reason, take the ground that the captain would devote time in attentions to his wife which should be given to the ship. Then the board of an additional person is another matter for consideration with economical owners, and is not lost sight of. I have known cases, where the privilege was granted, that an extra charge for board of \$25 per month was made. But the favor is seldom granted, and thus ship-captains who are married men are compelled not only to be separated from their families for long intervals, but to keep up two establishments—that of the family at home, and their own at hotels when ashore in foreign parts. It is not difficult to imagine the feelings of a sea-captain when he is suddenly called away from his cheerful home. He resides, perhaps, in a sea-coast village, a hundred miles from New York or Boston, where he

can get the most for the least money. About two o'clock in the afternoon a telegraphic dispatch is handed him: "The *Rocket* is ready for sea, and will sail with the tide to-morrow morning." He knows the tide begins to ebb at eight o'clock, and to be in time he must take the five o'clock train that afternoon. In the midst of the bustle of preparation for departure, he must settle the family bills, make arrangements for twelve months to come, see friends, and stow his luggage. He has possibly been allowed to spend a month at home, after an absence of nearly two years, and now he is off again for another year, perhaps two, possibly three, as no captain can tell at the time he leaves a home-port when he may return. The owner's interests control the destinies of the ship. She sails from Boston to Calcutta with ice; from Calcutta she goes "seeking" in ballast to Saïgon, where she takes a cargo of rice for Hong-Kong. Nothing remunerative offering there, she lays in port for weeks; then sails up the coast, touching at Swatow, Amoy, Foo-Chow, and brings up at Shanghai. Here a paying freight is offered for Liverpool; several weeks are occupied in loading, and she sails again on one of the longest voyages. Reaching port, fortunately, after many months, she lays there discharging her cargo during several weeks; then is ordered to Cardiff to load coal for Singapore. From the latter point, to Rangoon or Akyab; loads rice for Yokohama, and then returns to Singapore in ballast, where she is loaded on owner's account with coffee, pepper, tin, spices, sandal-wood, rattans, essential oils, etc. Then the captain bends his sails and starts for the States, where, if he is lucky, he will arrive in

about four months, after an absence of nearly three years. This is a long time to be away from one's family, but it is a fair instance taken from the record. Yet, if a captain solicit the privilege of taking his wife with him, his request is thought to be a very presumptuous one. Sometimes it is coarsely hinted to him that "*Jack* can find a wife in every port." Some of our American captains do not appreciate such suggestions, being men of high moral tone and feeling. Occasionally a ship-master, of considerable independence of character, will attempt to reason with the ship-owner as to the propriety of his request :

"You are a married man, Mr. Jones, and you know how it is yourself. I have domestic feelings, and love my wife and children just as dearly as you love yours ; and unless I can take them with me to sea, I am separated from them many months and even years at a time, amounting on an average to seven years in ten. They are constantly anxious about me, and I about them, and we are forcibly, in a measure, weaned from one another. My children grow up with very little knowledge of their father, as they see me only after long intervals, and then scarcely long enough to become used to me. Positively, sometimes when I come home from a long cruise, I feel like a stranger in my own house, my wife and children have changed to such an extent ; and the little ones have grown so entirely out of my remembrance of them, that I would not recognize them as my children if I met them out of my house."

"That may be all very true, Captain Smith, and very good

reasoning at the same time. I don't intend to deny that you have a right to as fine domestic feelings as myself, but I do my whole duty by you sailors. I contribute to the Seamen's Bethels and to Sailors' Homes; I send money to the Sailors' Tract Society, and I never omit to mention the sailor on the sea in my prayers. However, it is against my rules to allow the wife or children of any captain in my service to go to sea with him. Oh, no! I can't allow *that* at all. I'd soon have a pretty lot of them if I allowed one. No, indeed—no captain's wife aboard any of my ships."

"That's very hard lines, sir. I'm sure if you were a sea-captain, Mr. Jones, you wouldn't go one voyage without your best friend and counselor—your wife. Why, sir, the last voyage but one I was away two years and ten months. When I came home my little son Willie, who was a yearling when I left, refused to recognize me as his father, and actually asked his mother, 'Who is that old man, mamma?'"

"Well, I hav'n't time to argue the matter further with you, Captain Smith. If ship-masters wish to encourage such sentimentalities, they should give up the business, and not go to sea any more. All I've got to say is—there's the ship; take her without your wife, or leave her. I can get plenty of single men to command my ships. There's Bob Featherston, your mate, he has been begging me for a ship for the last two years, and he'll go for half what I pay you."

What is the poor captain to do? He must take the ship and leave his dear ones behind, or run great risk of starving along with them, as he is not familiar with other ways of earn-

ing a livelihood. Of course, there are exceptions to such a rule, as when a captain owns a part of the vessel, or has made himself indispensable to the owners. In such cases the captain's wife, and perhaps a daughter, accompany him on his voyages.

It is not a matter of wonderment, therefore, if, under such circumstances, a ship-captain becomes discontented with his lot. He is debarred the companionship of his family, and impossible things are expected of him. His owners expect him to run *all* risks, and make a quick passage; the underwriters expect him to be very cautious and careful, and *avoid* all risks; his pastor expects him to preach to and exhort the crew, and set them a good example; a medicine-chest is put aboard, and he is expected to successfully administer its contents to the men; the courts expect him to make himself familiar with the laws of shipping and commerce, and to protect the sailors under his command; the authorities of the country into whose port he enters expect him to become familiar, at the shortest notice, with their local regulations, and fine him heavily if he even ignorantly infringes upon them. He goes to sea, frequently unacquainted with his officers and men, many of the latter having been put on board at the last moment drunk and mutinous. It might be argued that this state of things is enough to make a very good man frequently forget himself, lose control of his temper, and strike down the first man who crosses him or tardily obeys his orders. I fear the primary cause of many troubles between ship-captains and their crews is that too much is expected of the captains, and,

finding that it is impossible to fill the position fully, they become somewhat reckless. There are a few who fill the full measure of these expectations; but it is as impossible for some, as it is for the majority of mankind to obey the Ten Commandments. I am glad to say I have met a few preaching and praying captains in the American merchant service, and their labors doubtless meet with the most happy results, to the eternal welfare of themselves and their shipmates. *I have never known a truly pious ship-captain to have trouble with his crew.*

If the underwriters would cease to insure vessels and cargoes for more than two thirds their *actual* value, and thereby increase the owner's interest in their safety; if they would see to it that the vessels they do insure are really "stanch and strong," then there would be a smaller number of shipwrecks, and many valuable lives would be saved. If property ashore was insured for near its full value, as ships and cargoes generally are, we should soon double the number of cases of arson. If vessels and cargoes were not so heavily insured, the owner's interest would be greater, and captains would not be required to run so many risks. As it is, the destruction of life and property at sea, in many cases, turns out to some unscrupulous ship-owners a profitable speculation. They send vessels to sea, knowing them to be rotten old hulks, badly provisioned, improperly provided with extra sails, spars, boats, etc. Vessels are often sent to sea short-handed and overloaded. The owners would not dare to embark on such floating coffins themselves, but they send others; and

if the vessel and cargo are lost, they are found to be insured for all they are worth, and sometimes for more. I have known vessels to be sent on long voyages so overloaded that their decks were swept by every sea that struck them. If such vessels make their destined port, their doing so might with greater justice be deemed a special providence than their going to the bottom with all on board could be, as it often is, so regarded.

A ship-master should be familiar with all the duties pertaining to his position. He should be an example to his men, frowning down profanity and vice of all kinds; he should preserve a dignified manner, and avoid outbursts of temper; he should require strict discipline among his officers and men, and implicit obedience from the men to the legitimate orders of the officers, as the safety of the ship and all on board frequently depends upon instant obedience to orders. And in requiring this, he should be careful to see that the officers do not make improper demands of the men; all cruelty and brutality should be strictly forbidden, and when practiced by an officer against orders, he should be immediately relieved of his position, and the men informed of the cause of his punishment. A ship-captain should do all in his power, consistent with truth and honor, for the interest of his employers as long as he commands a ship. Should the ship become wrecked, then he should use his utmost endeavors to save the lives of all on board. After that is secured, he should exert himself to save as much as possible of the ship and her cargo for the benefit of the underwriters.



## CHAPTER II.

Bad Men in Command of Ships.—Some Examples.—Cheap Captains.—  
Low Wages not True Economy.—Taking Care of Number One.—  
Successful and Unsuccessful Voyages.—Captains not all Bad.—Our  
Defective Marine Laws should be Amended.

As there are evil, corrupt, and infamous men on shore, so there are many very bad men afloat, and in about the same proportion. Some occupy the highest positions. Not more than one sea-captain in ten is what might be called a proper man—one who sets a good example to his men and officers—a just and conscientious man. I have had considerable experience with them, and have known some very mean and very corrupt men to be in command of ships. On my voyage from Boston to the East Indies in 1869, I took passage in an American bark, commanded by one of the most corrupt men I ever knew. He was a coarse, brawling, lying, swearing, drinking creature. During the sea-sickness of my family, amid the raging of the storm, we could hear his harsh voice, all about the decks, “breathing out threatening and slaughter,” uttering the most blasphemous oaths, and calling the seamen the vilest of names. As my wife and little son were on board with me, I took frequent occasion to rebuke this foul-mouthed person for his conduct. I informed him that we were not used to hearing such language; that it was

improper at all times, and especially in the presence of ladies and young people. I reminded him that I had paid several hundred dollars to the owners for our passage, and was assured by them that we should have a pleasant and comfortable voyage, as far as the ship's officers were concerned; that I did not bargain to make a long voyage in company with profanity, and, unless he modified his conduct, I should report him to the owners. This changed him somewhat for a short time. He even apologized. But, owing to the secret use of stimulants, he frequently broke out afresh during the voyage, at the table, on deck, every where, using the vilest language, to such an extent that my family did not come to the table for days at a time. I afterward reported him to the ship-owners, but, being men of the same nature, they continued to keep him in their service. This captain informed me that he did not consider it perjury to swear to a false manifest; that he had so sworn to one at Hong-Kong, knowing it to be false; and that the owners required him to do so, otherwise they would dismiss him. Since that time the owners (a Boston firm, largely engaged in the East India trade) have been prosecuted by the United States Government, at New York, for making a fraudulent entry of a cargo of sugar, valued at \$400,000, and for attempting to bribe the custom-house authorities, in what was known at the time (1871) as the "Great Sugar Case." The captain's story, therefore, may have been a truthful statement.

This man was only a specimen of a low class of men holding commands in the merchant service—perhaps the lowest

class. Low in origin, low in education, low in their impulses, such men appear to possess no self-regulating or self-elevating power. They follow their instincts, which lead them to the most immoral practices. This officer was a self-confessed perjurer, and so lost to shame as to boast of his infamy. He did not pretend to be honorable in his dealings with his fellow-men, because, as he said, "it didn't pay!" The passengers were completely at his mercy, so far as he dared proceed. He boasted that he made all on board miserable—and this was no vain boast, but terribly true; and, as was natural in such a case, every soul on board heartily despised him. His usual table-talk was about the poor defenseless seamen he had punished, striking them with brass knuckles, breaking this man's jaw and fracturing that man's skull, so that they were knocked out of use for a whole voyage sometimes, always taking good care, as he boasted, to provoke the men to violent speech, that he might have the law on his side. I remember that the poor white cabin-boy, "Joe," was a special object for him to vent his spleen upon, to curse at during meals, between meals, on deck, and in the cabin; threatening to "bust his head," to "split his nose," to "mash his mouth." All this to a mere boy, in the presence of the passengers! It was cowardly and mean; and yet this man was retained in command of the ship, and all on board, including the passengers, were compelled to endure his coarseness for months. We were unavoidably in this man's company for over four months, and there was something almost infernal in the association. Not only was he immoral, but

he had a very superficial knowledge of navigation. On several occasions he was ignorant of the position of the ship, and many and loud were the wrangles between him and the first mate, after they had both worked up the latitude, each contradicting the other. When we were going out of the Straits of Banca, a narrow channel on the coast of Sumatra, this captain by bad management came near losing the ship on "Fredrik Hendrik Rocks." We had to come to anchor in a swift-running tide, not more than a hundred yards from these dangerous rocks, and there lay and watch the sea break over them for hours. Again, when entering the Straits of Rhio, in great tribulation, he told me, with an oath, "He didn't know where he was—he couldn't find his position!" The fact is, he was under the influence of liquor, and the ship had to be heaved to, and allowed to drift, while he went to bed to get sober.

I can not recall a sentence uttered by this captain, after the first week out, which did not either begin or end in blasphemy. And yet he had been selected by a wealthy mercantile firm of Boston, put in command of their ship, intrusted with a valuable cargo, placed in charge of many precious lives, and recommended by them as a fit associate for ladies and gentlemen! It is not necessary for such captains to boast that they are graduates of the fore-castle, for every act and every word proclaims them to be that in the very worst sense. Such a captain carries into the cabin the worst features of fore-castle life. Instead of being an example for good to the poor seamen, he is a positive detriment to their ad-

vance in morality. Such men are a disgrace to the American merchant service, and are known and avoided by the better class of captains when in port. They are generally employed because they can be had at low salaries. Some mercantile firms are infamously distinguished among master mariners for the low prices paid their captains, also for the low character of their captains.

The mate of the above-mentioned vessel, following the evil example of the captain, bullied and harassed the men. He was by nature a coward, but, having a little brief authority, he played the part of a brutal tyrant. I was awakened at midnight by the screams of the men who were being punished by him. Upon going on deck one night, during one of his violent fits, I saw him beat a poor German sailor's head almost to a jelly with a belaying-pin—a round piece of hickory about two feet long, larger at one end than the other. The mate had called the sailor a vile name, which the sailor resented. After being thus beaten, the blood flowing from many a gash in his head, streaming over his face, presenting a most ghastly sight, his poor broken head reeling and almost bursting with pain, he was ordered to work, and while proceeding to do it as best he could, was struck again and again, until my heart almost bled for him; but I was powerless to defend or assist him.

More recently, in March, 1873, this mate was put in command of a bark belonging to the same firm. He sailed on the 24th of March from Boston, with a drunken crew, of which only three men had ever been to sea before. His threats

and brutality caused one man to jump overboard and drown himself when near Minot's Ledge Light; and on the same night another man was lost overboard.

It is not true economy aboard ship or any where else to pay an employé illiberal wages, for the employé is bound by the law which governs all animated nature—the law of self-preservation, to care for himself—to look out for “number one,” as Jack styles it; and unless a ship-owner shows some interest in the welfare of his captains and mates, he must not be astonished if he finds that they look out for themselves, and provide food for their families from the stores of his ship, or that they are in league with the ship-chandlers, the pilots, the docks, the tow-boats, or the compradors in foreign ports, whereby many a dollar, and many an article of household and personal comfort is obtained and put down in the ship's bills as provisions, pilotage, dockage, towage, canvas, paint, etc. The best policy for owners is to employ none but men of character for their officers; pay them fair wages; and, by evincing an interest in their welfare, show them that honesty is not only good morality, but that it is for their interest to be honest and upright. A captain or mate who is properly compensated will carefully avoid all dishonest tricks, and be scrupulously regardful of the owner's interests, by getting all the bills call for, and at fair prices, because it is their interest to remain where they are best cared for. A ship-owner owes more gratitude to the officers of his ships than they owe to him. They guard and protect his property under all circumstances, in all kinds of weather, and in every clime; they

sacrifice their comfort, they risk their health and their lives for the benefit of the owner. Money can not pay for such services; and yet, in too many cases, they receive a mere pittance for their services.

I have known several instances where captains have, by great effort, constant watching, and sleepless nights; by taking advantage of every cat's-paw of wind, and exercising great care and diligence, succeeded in getting valuable cargoes to excellent markets, and *by the profits on one cargo* made a handsome fortune for the owner. But in few instances have I heard of proper remuneration being made, or any interest shown in the welfare of the officer. If, when a captain returns from a successful and profitable voyage, the owner should commend him for his enterprise, and hand him a check for a thousand or five hundred dollars, and, warmly shaking his hand, say, "All right, Captain Lucky, such voyages just suit me; keep on in that way, and you'll soon own an interest in one of my ships," I think that captain would feel somewhat repaid for all his anxious thoughts and sleepless nights; and he would try to make the next voyage equally or more successful, if possible.

But how different is the actual fact. As a rule, the captain is seldom complimented on a *successful* voyage; but he is always condemned and made to feel mean for a slow and *unsuccessful* one, no matter what may have been the cause. I remember, a short time ago, a ship, from Singapore to Boston, had contrary winds, strong currents, and in many ways was baffled in her voyage. The captain, who is a good sailor,

was very much worried, and did every thing in his power to expedite his voyage, but all to no purpose, as it proved to be a very long and annoying one. On appearing in the office of the owners in Boston to report his arrival, he met with the coldest reception, one of the owners saying to him—

“W-e-l-l, captain, I have the satisfaction to inform you that you have made the *longest* voyage from Singapore to Boston on record !”

It would not be in accordance with the most liberal views of human nature to suppose that such a remark created a feeling of strong affection in that captain for his employer. It would be more natural to believe that his sensibilities were wounded ; and, although he may fail to express himself, he nevertheless feels deeply and strongly. He will certainly not regard the interests of that owner with the same feeling that Captain Lucky will regard those of his owner ; and on the first favorable opportunity he will seek more appreciative employers.

In any expressions I may use in this work regarding sea-captains, I hope it will be understood that I do not wish to convey the idea that there are no gentlemen among them, or that *all* are corrupt, bad men. That would be a very sweeping charge, indeed, and contrary to the truth. I have met some American sea-captains who were true gentlemen in every respect—cultivated, high-toned, moral, and religious men. I have met others who did not profess to be religious men, who were strictly honest, straightforward, and upright ; men whom I remember with sentiments of sincere respect.



I could mention several of them by name, who, in their official intercourse with me, evinced every disposition to do what was right. I found that such captains *govern their ships and all on board* by a true dignity of manner, and do not leave that important matter to the fighting qualities of their mates. Such captains have no disorder on board; the men are not beaten with heavers and belaying-pins; no complaints against the officers by the crew are made to consuls in foreign ports; the men have plenty of good food, fair compensation, and humane treatment, and are satisfied. Among the many ship-captains whom I have met, it has been my misfortune to find that a great majority belong to the rougher class. Frequently several captains would meet at the consulate by accident, and it was very interesting to hear their conversations about the many voyages they had made, the distant countries they had visited, and the different races of people they had met. Free opinions were expressed about United States consuls and United States laws, and these opinions were not always complimentary. The defects in our laws as to the government of unruly seamen, and how these defects should be amended, formed a staple topic of conversation. The opinion appeared to be almost unanimous that the power given captains in the British merchant service to "dock" a seaman's wages for disobedience, insolence, neglect of duty, or other bad conduct, would be a great advance toward reform. From personal observation, I know the British merchant service is better governed than our own; and by adopting their rules, with a few slight modifications, our merchant marine would be greatly

benefited. The sailors would be better treated, the officers would be respected, and a more strict discipline would prevail. But, as will be hereafter shown in these pages, cruelty prevails among our ship's officers, and therefore severe penalties should be inflicted upon all who maltreat the poor sailor—heavy fines and long imprisonments. There should also be a better defined system of legal punishments for vicious and unruly sailors. At present little or no punishment is prescribed in our laws which can be inflicted *by the captain\** on sailors at sea. The captain may and does order seamen punished, and some are punished most cruelly and brutally; and the American courts uphold a captain in preserving discipline on board his ship, and in inflicting reasonable punishment upon seamen, to preserve such discipline; but there is no schedule of punishments laid down in our statutes by which a captain may be regulated in his efforts to enforce obedience. For impertinence, neglect of duty, disobedience of legitimate orders, refusal to do duty, and other like offenses, “docking” a sailor's pay, reduction of allowance, subsistence on bread and water for a few days, or putting a sailor in irons below decks, would constitute rational and adequate penalties. I can not imagine a case, except that of mutiny, or attempts to injure the officers, ship, or cargo, wherein our laws would justify the striking of a sailor by his officers; and, although it is difficult to obtain conviction for such offenses, there is no justification of them. Therefore officers run great risk, if the law were strictly observed,

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\* See Appendix A, note 5.

when they undertake to strike or beat a sailor. Our laws are certainly defective in this respect, and some amendment should quickly be made, so as to give the captains legal authority to inflict reasonable punishments, and severely punishing them for exercising illegal power, thereby preventing the horrible outrages now inflicted on American seamen. The new law of 1872\* does not amend these defects. If a few examples were made of masters and mates who brutally treat their men, the crimes committed at sea in this way would soon become unknown. As will be subsequently shown, there is no possible ground for doubt that American seamen are frequently murdered at sea. The general public are not fully alive to the facts. It is only when some shocking barbarity practiced on sailors is brought to light that the public become fully aroused to the enormity of these crimes. Over twelve thousand dollars were expended by the Government during the year 1871-72 for the transportation of poor American sailors from foreign countries to the United States. These men, in many instances, had been driven ashore by brutal officers, so that they might rob them of their hard-earned wages, and engage others at lower prices.

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\* See Appendix A, note 5.

### CHAPTER III.

Consuls and Captains.—The Knock-down System.—Reducing Rations.—

Two Modes of Treating Sailors.—There must be Discipline.—Responsibility of Owners.—Cause of High Wages.

NATHANIEL HAWTHORNE, one of our most eminent writers, was United States Consul at Liverpool during the administration of President Pierce. He expresses the opinion that consuls have not the best opportunity to see a ship-captain in the most favorable light. I coincide fully in this opinion. Captains generally appear at the consulate after their *first* visit, for the purpose of complaining of some member of their crew, or of the whole crew; or they have shipped a crew in the States at a high rate of wages, and desire to discharge them in a foreign port, and ship another crew at a lower rate, and thus save the owners a few dollars; or the captain is summoned to appear before the consul to answer some complaint made by one of his crew, or by the whole crew. Frequently the crew leaves a ship and proceeds to the consulate in a body. If the consul is a conscientious officer, and does his duty, his sympathies are frequently aroused by the wrongs done to the poor sailor, and he soon comes to look upon a ship-captain as a species of sea-monster. This is almost invariably the case when a consul is new to his position; and he generally determines that the abuse of sailors by their officers

must be put down, and, as far as the authority and power of one man can go, he will put it down within the limits of his jurisdiction. The consul is strictly charged by his Government to protect sailors, and uphold them in their rights; he is a bonded officer, and is constantly anxious to do his duty, well knowing that if he should fail in the least particular the Government would hold him to a strict account through his bondsmen. Thus it is that humanity appeals to him, and the laws require of him that he shall protect the poor sailor against his master—that he shall defend the weak against the strong.

I have listened to long arguments from ship-captains in favor of the “knock-down” system of governing a ship’s crew. Some were not ashamed to defend such a mode of enforcing discipline; they held that seamen must be made to fear their officers, otherwise they would soon come to treat them with disrespect, and the consequence would be disorder and disobedience. This argument rests upon a fallacy: seamen are men, and generally, it may be said, respect an officer who has proper dignity and self-respect, and who treats them as if they were *men*, and not as if they were *brutes*. It is rare, indeed, for a high-toned, dignified, gentlemanly captain, who takes *personal* control of his ship, to be troubled with a disobedient or disrespectful crew: respect begets respect, as like always begets like. The American ship-captain, as before remarked, is a shrewd business man, wide awake to all chances; he is extremely practical, and generally well-informed concerning the affairs of his own country and profession. As a rule, his education

is defective, but he is better educated than those of other countries in the same profession, and therefore he assumes more independence, and is less subject to control, and less respectful to those above him in position—consuls, owners, and port officers. But I am inclined to think that the British ship-master undergoes a more rigorous training and examination; pays more attention to the technicalities of his profession in order to reach command; is more familiar with the details, and is therefore better posted in the exact line of his duty, than are ours. But these are mooted points. I have met splendid specimens of the hearty, bluff, whole-souled sailor in both services.

I have known captains who acted upon the principle that the best way to obtain the esteem and respect of a sailor was to “work and starve” him. The late Captain L——, an old American ship-master, was one of this kind; he once said to his mate (now *Captain* Lucas):

“If you want the men to love you, you must starve them and work them.”

“I don’t think I can do that, captain,” replied Lucas.

“Well, then, you can’t expect them to fear you or respect you,” rejoined the captain; “and if they don’t do one or the other, you can’t get enough work out of them nor control them.”

“Under those circumstances we had better separate,” responded Lucas, “as I can not starve or overwork a sailor.”

To get men to work well, they must be well fed. At sea it is too common a practice to experiment on the men by en-

deavoring to find out *how little*\* will keep a sailor's body and soul together ; the quantity of food is sometimes gradually reduced† until it is barely sufficient for the purpose. The sailors notice this, and begin to complain ; they ask for more food, are refused, and become disheartened, and slight their work accordingly. This reduction of food is not often done in accordance with the wishes of the ship-owner. As a rule, vessels go to sea properly victualed for the voyage ; the owners know by experience the quantity of food required for so many men during so many days, and generally a sufficient amount is placed on board. But a corrupt captain also knows that by serving out a smaller quantity than is allowed, he can have a few barrels of beef, or pork, or flour, or sea-biscuit, or a few kits of mackerel over, and that these articles are always in demand in foreign ports, where they can be sold at good prices, and the money thus obtained is a clear gain to the captain. On board vessels so managed there is discontent, grumbling, and quarreling ; and this is the condition of things sought for by such captains, for in this way they frequently get rid of a high-priced crew—the men desert at the first port.

The reverse of this picture is that of the captain who looks after the interests of his men, sees that their food is sufficient in quantity, good in quality, properly cooked and served, and who deprecates quarreling on his ship, and positively forbids it. I have known such captains, at the beginning of a voyage, call a new mate aft and say to him :

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\* The new law of 1872 remedies this. See Appendix A, note 6.

† See Chapter VIII, case of brig *John M. Brown*.

"Mr. Marlin, we had better understand each other at the start : I don't believe in abusing the men, and I think by pursuing a proper course all the necessary work can be done without abuse ; I shall not require any unnecessary work. I don't wish to have any fighting or beating, or hear any swearing, on board this ship, from officers or men, and I shall try and not do any myself. I intend the men to have good food and plenty of it. Please mention this to the other officers, and have it understood by the men."

On board such a ship there is divine service read by the captain every Sabbath-day ; the men have "liberty" on Saturday afternoons, so that they may wash and mend their clothing, and thus prevent unnecessary labor on the Sabbath, which is to them a day of rest. I hold that such captains are an honor to the merchant marine ; they are profitable to their employers, and respected by their officers and men. It is, indeed, a pleasure to sail with them, for they are living examples of a wholesome Christianity.

The course here described is very different from that pursued by the "knock-down" ship-masters, some of whom would not have officers under them who are not known as fighting men and great swearers, and disposed to "haze" the sailors. I am sure every ship's officer can recall such men, and will realize that my descriptions are not overdrawn. Such captains frequently begin a voyage by calling all hands aft, as soon as the ship gets her canvas set, and making a little speech to them. Here is a fair specimen of what has been said on such occasions :



"Men! my name's Captain Halyard; I'm the master of this ship, and I want to start square with you. We've got a long voyage before us, and there's plenty of work to be done. I want you to understand, I'm great on discipline, and you can have hell or heaven on board, just as you please. All you've got to attend to is to do your duty and obey orders; that's what you shipped for, and that's what you're paid for. If you do your duty, it will be all right; and if you don't, it will be all wrong. The first man that disobeys my orders, I'll put daylight through him — quick, and here's the little joker I'll do it with. (*Exhibits a revolver.*) If any of you men try to make trouble aboard of this ship, I'll make it — hot for you; I'll make mince-meat of some of you quicker 'an hell 'd scorch a feather! I hear that some of you are from the *White Swallow*,\* where you gave much trouble. Well, this is not the *White Swallow*, and you've got bloody Jack Halyard to deal with. Now you know who I am, and what you've got to expect. Go forward!"

- The crew on board that ship may fear the captain who makes them such a speech, but they will never respect him; they must look upon him as their natural enemy; his example to them is powerful for evil—it can not be productive of good. The two specimens of ship-masters here alluded to are living characters, and the language used in their remarks is exactly that which was reported to me by their own officers.

The treatment of seamen on the high seas by their officers

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\* The crew of the *White Swallow* mutinied in the China Sea, because of harsh treatment.

is a subject that I approach with great delicacy, and with a proper regard to the rights and position of all parties concerned. On the one hand, there must be proper control and discipline enforced on the part of the officers of vessels ; and they should have legal authority to compel a ready compliance with all legitimate orders, otherwise disobedience and mutiny are the result. When at sea, a ship's officers are beyond the reach of ordinary assistance, and valuable lives and property are at stake ; the safety of all depends upon a ready obedience to orders and the faithful performance of duty on the part of subordinates. At the same time, also, the poor sailor is equally beyond the reach of aid ; he is in a helpless condition ; if he is governed by cruel officers, his cries are only echoed by the roar of the sea ; if he mutiny or rebel, he is very properly condemned and severely punished by the judicial authorities of all nations. Thus officers and men are dependent on each other ; and, while the position of the seaman is that of subordination to the officers, and places him entirely under their control, he is also under their protection ; and the law is intended to be justly severe in its penalties for any abuse of authority or ill-treatment of seamen by their officers. At the present time, the terrible cruelties practiced on sailors at sea, on board of American vessels, are being daily brought to light ; and loud calls are made through the press of our seaport cities for further legislation, if necessary, or more strict adherence to the laws already enacted for the punishment of ships' officers who are guilty of practicing cruelties on sailors. Officers of vessels, of all men, should be

kind, generous, and forbearing to those under their command. They can exhibit a proper degree of firmness and determination with their crews without being either cruel or brutal ; they encounter the storms of the sea, the dangers of the deep, and in many ways are brought face to face with death, and these things should tend to soften the rougher inequalities of their nature ; so that when poor Jack stumbles in the discharge of his duty, he might do so without being in danger of his life from cruel blows, or of having fierce blasphemies hurled at him. But the reverse is too often the case, as the records of the Federal and Marine Courts in our seaports will show ; the cases brought before these tribunals almost invariably arising from cruelty, oftentimes to the death, inflicted by captains and mates of vessels on sailors while at sea, where seeming immunity appears to instigate the most wanton exercise of brutal authority. This sense of immunity arises somewhat from an apparent laxity in carrying out the laws which provide for the protection of American seamen, and from defects in the wording of the laws. To the credit of the judicial bench, be it known that, in some few instances of well-defined cruelty to sailors, the heaviest punishments provided by law in such cases have been inflicted on these sea-monsters when they were convicted. Not long since, that eminently humane man, Judge Shipman, of the United States Circuit Court, announced from the bench his firm resolve to inflict the severest punishments upon sea-captains and their mates who should be found guilty of abusing their men. Judge Bedford, and Commissioners Shields and Osborn, of New York, and others

at Boston, Philadelphia, Baltimore, and New Orleans, are doing good service in their endeavors to carry out the laws in all cases, without respect to persons, where sailors are brutalized by their officers. The public press and the public in general are becoming more alive to these horrors, and it is not too much to expect that in a few years, by fearlessly carrying out the laws, by amending such as are defective, and by enacting more stringent ones, this infamous blot will entirely disappear from the American merchant and naval marine. Merchants who are ship-owners could materially assist in bringing about this desired result, if they would lend their powerful influence for the enactment of proper laws, and instruct their officers to abstain from illegal punishment of sailors. One great cause, perhaps the principal one, of the high rate of wages demanded by seamen from American ships, is that our sailors are so cruelly treated that native Americans will not engage in them, and we are hence compelled to ship foreigners who will go and put up with the abuse ; but they require higher wages than they can get from the vessels of their own country, *because of the abuse*. The laws of the United States, until recently,\* required that two thirds of the crew of any ship or vessel belonging to the United States should be citizens thereof. But our citizens could not be had ; and, during my experience abroad as consul, I have not known one American vessel, two thirds of whose crew were citizens of the States. To get a clearance from the consul, captains were required to make affidavit that they could not get citizens of the United

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\* Act approved June 28, 1864.

States. In vessels which carry a crew of sixteen to twenty men, I have never found more than four or five citizens. Thus, it will be seen, the merchant is made to pay, by the increased wages demanded, for the illegal and cruel acts of his officers. It is therefore more to the personal interest of the merchant than to any one else outside of the abused class, to have a stop put to these unseemly proceedings. The merchant holds the power in his own hands ; for every man who owns a ship or vessel can prevent the abuse of the sailors thereon merely by issuing orders to his officers to desist from it, or by dismissing officers who continue the abuse.

If the church-going ship-owner would remember that Jesus Christ loved sailors ; that he began his ministry among sailors ; that his early converts were sailors ; that at least four of his twelve disciples were sailors, he would soon see that by frowning down the abuse of sailors, and by doing his whole duty to them, he would be following the illustrious example of the meek and lowly Saviour of mankind.

## CHAPTER IV.

First and Second Mates.—Discipline.—Hazing.—The Law's Defect.—  
Captains can not Transfer their Responsibility.—Remarks from Eminent Judges.—Instances and Consequences of Defective Law.—Circuit and Marine Courts.

CRUELITIES are seldom inflicted upon sailors by the captain in person. He does not often come directly in contact with the common sailor. The captain of a ship has a certain dignity of position to keep up; and the better class endeavor to do this by not seeming to notice too closely the peculiarities of the sailors; by maintaining an attitude of reserve, and, while avoiding every thing tending to undue familiarity, yet treating the sailor with proper respect, and requiring respect in return. On ships where good discipline prevails, a sailor never addresses the captain without first saluting him, and removing his hat; the captain is seldom seen forward of the foremast, or in the fore-castle, unless on inspection duty. On such ships there is genuine respect for the captain. But on others, where the discipline is less firm, where the officers have no respect for the men, and the men have none for the officers, where there is familiarity one minute and ferocity the next, the captain shifts his authority to the first and second mates, and they are the parties by whom cruelties are practiced on the seamen, frequently at the instigation or with the

connivance of the captain. The mates secure the co-operation of the boatswain and carpenter, and thus the officers are combined against the men.

Sometimes a mate will severely punish a sailor or sailors against the expressed wish of the captain, even against a general standing order ; but such conduct is rare, and proves that the mate, not the captain, commands the ship. It is a very common thing aboard ship for the mate or the second mate to take a dislike to one or more of the crew, merely because the officer affects to construe some act of the sailors to be aggravating, or their language pert and insolent, or their entire conduct as "cheeky." Mates are much like other men—they have their likes and dislikes. They will sometimes "take a fancy" to one or two men in a crew, and these will be petted and favored during a whole voyage ; but woe to those sailors for whom the mates conceive a dislike—instantly the determination is formed to "haze" them during the voyage, to teach them good manners, according to the mates' idea, and to make them keep their proper places and show more respect to their superiors. To "haze" men on board ship consists in putting them at the hardest work ; calling upon them unnecessarily at all hours, disturbing their rest, and thus causing them to grumble, provoking them to irritation, so that the mates may have some excuse for beating them, of putting them in irons, and feeding them on bread and water, for perhaps no cause at all.

Notwithstanding the undoubted fact that the most horrible cruelty is practiced on sailors in American ships, it is a very

difficult matter to obtain the conviction of a sea-captain, or any of the officers of a ship, on a *criminal* charge of cruelty, under the present laws of the United States. All such actions are brought under authority of the Act of Congress approved March 3, 1835,\* which requires that, before conviction can be obtained, there shall be proof, *first*, that the punishment complained of was "cruel and unusual;" *second*, that it has been inflicted "without justifiable cause;" and, *third*, that the seaman was punished through "malice, hatred, or revenge" entertained against him by the officer inflicting the punishment. It will readily be seen how difficult it is to prove all this. Some would not think any punishment *cruel* or *unusual*; others consider a very slight provocation a *justifiable* cause of its infliction; while it would be utterly impossible for any one to say what are the secret feelings of an officer who brutalizes a sailor: we could not as jurors assert upon our oaths that it was done through malice entertained toward the sailor, or hatred of the sailor, or for purposes of revenge. And herein lies the secret of so many acquittals when such charges are made. The officer inflicting cruel punishment on a sailor may be brutal by nature, and take offense without cause, striking down the poor sailors out of sheer wantonness, or from unrestrained excess of passion.

The law is certainly defective in this respect, and should be amended or repealed, and a new one, more in accordance with justice and good sense, enacted. The object of Congress in so carefully wording the law was undoubtedly to en-

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\* See Appendix A, note 3. U. S. Statutes at Large, vol. xiv, p. 773.



able captains of vessels to inflict certain punishments on seamen for insolence, insubordination, or mutiny—penalties which could not by any proper construction be held as “cruel or unusual.” Congress never intended to permit or authorize a ship-master or his officers to starve seamen, to beat them on the head with a belaying-pin or marline-spike, to shoot or stab them, to trice them up to the yards or rigging, or to chain their feet to the deck, and chain their wrists together, and then by the aid of block and tackle stretch the poor helpless creatures upward until they are pulled almost limb from limb! Congress never intended to give any such permission; and yet, as the reader proceeds in this work, he will find that all these cruel and brutal punishments are inflicted on board American vessels. He will find cases reported where seamen are nailed up in coffins called “sweat-boxes,” for days, on board a vessel of the United States Navy,\* and where they are suffocated by the commanding officer’s forcing a deck mop into their mouths.† There is no law or authority for such punishments. If there were, it would virtually give to commanding officers the power to take the lives of their seamen.

A ship-captain has a well-understood authority to inflict punishment, or order it to be inflicted, on seamen who disregard or disobey legitimate orders, when the carrying out of such orders is necessary to the navigation or safety of the ship or cargo. Proper punishment for these offenses, such as

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\* See case of the *Portsmouth*, chap. XVI.

† See case of U. S. S. *Kansas*, chap. XVI.

placing in irons, solitary confinement between decks, or a diet of bread and water for a reasonable time, will generally bring the offending party to speedy and humble terms, and can not be said to be either cruel or unusual ; nor would it appear to be done from malice, hatred, or revenge, so long as a justifiable cause for the infliction of the punishment exists.

A ship-captain may transfer his authority to his mates, and authorize them to punish the sailors when *they* think them deserving of punishment ; but he can not transfer his *responsibility*. He is responsible in law for cruelties practiced on seamen on board the ship under his command ; he is held equally guilty with the party or parties inflicting the punishment, unless he can show clearly that such punishments or cruelties were inflicted without his knowledge, or against his express orders. The law holds that the captain is the superior officer, without whose orders no punishment may be inflicted ; and unless he can show to the satisfaction of the court that he was ignorant of the facts, or powerless to prevent the unlawful acts, he is held responsible. These are wise provisions of law. Before even a captain can legally inflict punishment, or order a seaman to be punished, he must have a good and sufficient cause, and be restricted in the duration and severity of the punishment. He should be careful never to exercise his authority during the heat of passion, but after time has elapsed for reflection. In the United States Navy the *legal* punishment for seamen and petty officers for slight offenses usually consists in solitary confinement, confinement in irons (single or double), a diet of bread and water,

reduction of rations, reduction of grade, deprivation of liberty, extra duty, loss of pay, or dismissal from the service. The punishment must not exceed thirty days, or involve more than three months' loss of pay ; and before any punishment can be legally inflicted, the sailor must be tried by a naval court-martial, who come to their conclusion and order the punishment after mature deliberation. These are the *legal* punishments prescribed by Congress for the Navy ; but I am sorry to say the naval service produces some cruel officers as well as the merchant marine ; and these, in their punishment of sailors, do not always stop at the legal limit, or await the sentence of a court-martial. Two recent instances of punishment of sailors in the United States Navy, related in this work, are cruel, brutal, and disgraceful to that honorable service.\*

I think that in ninety-nine cases out of a hundred there is no necessity for punishing a seaman cruelly or unusually. A ship-master will always be upheld by the courts in preserving order and discipline on board his ship, so long as he keeps within proper bounds. There are numerous cases on record that show this. In the case of the ship *Mentor*,† tried some years ago, that distinguished jurist, Judge Story, decided that it was "the duty of Admiralty Courts to uphold with a firm hand a *reasonable* exercise of the authority committed to the officers of a ship. Occasional harshness of manner, occasional ebullitions of passion, and other infirmities incident

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\* See cases of the U. S. S. *Portsmouth*, and the U. S. S. *Kansas*, chap. XVI.

† The *Mentor*, 4 Mason Repts., 84.

to nautical life, on the part of the officers, are not viewed or visited with severity by the law ; they are not deemed wholly inexcusable, unless they degenerate into wanton and malicious abuse, or illegal severity." Judge Ware,\* another very discriminating authority, looking at the same question of punishment, said: "The marine law authorizes *the captain* of a ship to correct negligent or disorderly conduct on the part of his seamen by *moderate* chastisement." At the same time, the laws are singularly silent as to *what* punishment a captain in the merchant service may inflict upon his crew, but leave it to be understood that when punishment is inflicted it must be neither "cruel nor unusual."

In alluding to the rulings in cases of punishment, I have taken the decisions of the United States Federal Courts, which, owing to the peculiar wording of the third section of the Act of Congress approved March 3, 1835, would appear to favor ships' officers, where a *criminal* charge of cruelty is brought against them, by requiring the seaman to prove that the punishment was cruel and unusual, and that it was inflicted with malice, hatred, or revenge. It is difficult, almost impossible, to establish such proof.

Here is a case in point : In the month of December, 1870, the captain of the ship *Old Colony* was brought before the United States Circuit Court at New York, on a criminal charge of cruelty to seamen.† After hearing the evidence, which proved this to be a most outrageous case of brutality,

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\* Thatcher *vs.* Steele. Ware's Repts., 91.

† See case of the *Old Colony*, chap. VIII.

the jury found the captain "guilty of cruelty;" but as they did not add to their verdict that the sailors were punished with "malice, hatred, or revenge," the judges, after most extraordinary quibbling, decided that there was no case, and the captain was liberated. It afterward appeared that the charge was not established to the satisfaction of the jury, *in the words of the law*. But for fear that some captains may presume on this seeming immunity, I will state that there are other courts throughout the States, known as Marine Courts, where, happily for the poor sailor, the stringent rulings of the Federal Courts do not apply. These Marine Courts are established by authority of the individual States, and execute the laws of the State. It is much easier to establish a charge of cruelty in an action for damages, under the State laws, against the officers of a ship, than it is to make the criminal charge clear under the Federal laws. Frequently when sailors fail to establish a *criminal* charge of cruelty in the Circuit Court, their attorneys have been able to obtain damages by civil suit, for the very same ill-usage, in a Marine Court. This was the case with captain P——, of the ship *Neptune*,\* who was brought before the United States Circuit Court at New York, in March 1871, on a criminal charge of cruelty to seamen. As in the case of the captain of the *Old Colony*, there was no legal proof to show that the punishment complained of was "cruel or unusual," or that it was inflicted with "malice, hatred, or revenge," although it was of the most horrible character; and, as usual, the captain was acquitted. The attorneys

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\* See case of *Neptune*, chap. VIII.

for the seaman immediately brought a civil suit in the Marine Court, for damages on account of cruel treatment, and Judge Curtis, after hearing the evidence, gave judgment against the captain for three hundred dollars in favor of the seaman, who was a colored man. The judge stated in this case, that if he had before him the testimony of one witness who had been kept away, he would have awarded to the seaman the full amount of damages within the jurisdiction of the court, namely, one thousand dollars.

When American ship-masters come to realize the facts here laid down, they will see that less cruelty is inflicted on the sailors under their command, and thus evade the strict justice of the Marine Courts.

It was held in the case of the *United States vs. Otis Taylor*,\* that *malice*, in the sense of the Act of Congress, signified "willfulness, or a willful intention to do a wrongful act ; and "that the master, when on board, has sole authority to authorize punishment to be inflicted on any of the crew ; and if he "is present on board when a seaman is punished by a subordinate officer, and can prevent it, and does not, *he is personally responsible for the act* ; and neither the mate, nor any "subordinate officer has authority to punish a seaman, even "if the seaman should behave improperly to him personally, "when the master is on board, unless the master gives him "express or implied authority, when the *necessities* of the case "require instantaneous punishment, to compel a seaman to "do his duty." In that case, of course, the master assumes

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\* 2 Sumner, C. C. R., 584.

the responsibility. When the master is absent, *then* the mate, as the next in command, assumes authority to keep order in the ship, and the law will justify him in using force to quell a disturbance, or in order to carry out his legitimate orders. But if the master or any other officer beats, wounds, or imprisons a sailor, without a justifiable cause, *he is liable to a penalty of one thousand dollars' fine, and five years' imprisonment in the penitentiary.\** This should be distinctly understood, and then there will be less cruelty practiced on sailors, provided the laws are enforced. It is a man's misfortune to be a sailor, not his fault—not an offense to be cruelly punished. Some as good men as ever lived have been inmates of a ship's fore-castle. Almost every man who is now a captain or officer of a ship has passed some portion of his life as a common sailor. Let them remember what were their feelings when smarting under the abuse of their former superior officers, and they can by comparison judge what are the feelings of the men now under their own authority, when they are abused. The belaying-pin, the marline-spike, the heaver, the capstan-bar, are not proper articles with which to inflict punishment on a human being; even a blow from the fist, or a kick, has caused death; how much more easily could a man be killed with any of the weapons named! While the men must have respect for and obey the legal orders of the officers, the officers must show some respect for the men, use discretion in punishment, avoid deadly weapons and cruel blows, or abide the penalties.

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\* See Appendix A, note 3.

## CHAPTER V.

Shipping Articles.—Deserters.—Medicines.—Duty of Master and Man.—  
Interpolations.—Sheath Knives.—Shipping-masters and Boarding-  
house Keepers.—The Law of 1872.—Slop-Chests.—When the Crew  
first meet as a Crew.—Swindles Practiced on Sailors.—The Remedy.

It is provided by law\* that every ship-master belonging to the United States, and sailing thence to foreign ports, or to ports in the different States, shall, before they proceed on a voyage, make an agreement in writing (or print) with every seaman or mariner on board. This agreement shall declare the voyage or voyages on which the vessel is bound ; the term or terms of time for which each seaman or mariner is shipped ; a scale of articles of food to be supplied ; the wages they are to receive, or the interest they are to have in the voyage, if the seamen ship by the day or share. If any ship-master shall carry out to sea any seaman or mariner without having previously made such a contract, and having it signed by the seaman, he must pay to every such seaman or mariner the highest price or wages which shall have been given at the port where such seaman or mariner shall have been shipped, and the ship shall be held liable, and for each offense shall incur a penalty of two hundred dollars ; and no captain can

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\* Sections 12, 13, 14, of Act approved June 7, 1872. Appendix A, note 13.



receive on board his vessel, as seaman, any person while in a state of intoxication, under a penalty of one thousand dollars. If a seaman is shipped without being required to sign the shipping articles, he is not bound by any penalties or forfeitures. Every set of shipping articles must state the day and hour the seamen are required to be on board ; and if the seamen do not come on board at the time specified, the master can make an entry of the fact on his log-book, and note the time during which the negligence extends, and for every hour of the same the captain can deduct one day's pay from the wages agreed upon between him and the seaman. If a seaman desert a ship after shipping, he is liable to imprisonment for three months, and forfeits all his wages, clothing, and every thing that may be on board belonging to him at the time of desertion,\* but if he return to duty within twenty-four hours after desertion, he only forfeits six days' pay. A seaman is entitled to receive one third of the wages which may be due him at every port where the vessel may unload or deliver cargo before the end of the voyage, even if the shipping articles expressly stipulate to the contrary.

A ship's crew is not discharged from a ship by the fact of another master being put in command, although the crew may have signed articles for the voyage under a particular master therein named, without any clause providing for the change of masters ; the changing of the master, *per se*, is no cause whereby the crew can demand their discharge from the articles binding them to perform the voyage. The change of

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\* Appendix A, note 5.

masters may be caused by sickness, or otherwise ; the owners, agents, or consul may appoint a new master, and the crew are bound to serve under him, and thus complete the voyage. If it is stated in the shipping articles that the voyage is to end "at a final port of discharge," then the voyage is not ended until the cargo is wholly unladen. The contract must state the ports at which the voyage is to begin and terminate. If a sailor is received on board after he has deserted, and allowed to go to work again, it is evidence in law that he has been released from all forfeitures previously incurred. *Desertion*\* is not merely absence without leave ; to cause forfeiture of wages it must be shown to have been the intention of the seaman to abandon the ship and the service. This is another wise provision of law ; for were it not required, it would be very easy for ship-masters to rid themselves of disagreeable or high-priced seamen, by having them made drunk in the port where they may be, and so kept away from the ship for forty-eight hours, and then report them as deserters. This has been done, and is even yet allowed by some consuls, who receive the captain's statement of the facts, and allow the ship to sail without the men.

The expense for medicines and medical attendance on sick seamen, in the course of a voyage or in port, is a charge on the ship by the maritime law, and such charge can not be legally retained from the sailors' wages,† any stipulation in the shipping articles that seamen shall pay for medicines or

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\* *Emerson vs. Howland.* 1 *Mason, C. C. R.*, 45.

† *Hardon vs. Gordon, et al.* 2 *Mason*, 541.

-medical attendance, without any condition that there shall be a medicine-chest on board, to the contrary notwithstanding.\* But if a seaman at a foreign port contract a disease, and remain on board a vessel which is properly provided with a medicine-chest and a book of instructions for administering the medicines, the expense of a physician in such cases, if necessary for the safety of the seaman's life, may be deducted from the seaman's wages.

It will thus be seen that by the terms of the shipping articles which are prescribed by law, the master must have an agreement with his men ; he must state the wages they are to receive, the voyage they are to perform, the time they are to be employed, when they are to be on board, and the food with which they are to be supplied. But these articles say nothing about the punishment a sailor is to receive ; that is left to the master, who is supposed to be a fair-minded man. There must be discipline aboard ship ; the master must be held in respect by his men and officers, and it does become necessary sometimes—not often—for the preservation of proper discipline, to inflict punishment on a seaman, or even on an officer. Captains should remember, however, that brutalizing a man does not beget respect ; in fact, it creates a spirit of hatred and revenge which sometimes results in murder.† I have no doubt that masters and mates frequently lose their lives at the hands of seamen whom they have cruelly punished.

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\* Act approved July 20, 1790. Sec. 8

† See case of brig *J. L. Bowen*, Chap. IX.

After a seaman has signed the shipping articles, he is bound by the laws of the United States to do duty on board the vessel or her boats for the time specified, and he must obey and respect all the legitimate orders of the master or his officers, as becomes a good and faithful seaman. No "grog" is allowed, no profane language is to be used, and no sheath knives\* are to be brought on board American ships. These clauses are almost universally disregarded by officers and men, and yet they are parts of the same law. The sailor must do his utmost to preserve the ship and cargo, and neglect no duty day or night; he must not leave the ship without permission of the master, under any pretense whatever, otherwise he is liable to the forfeiture provided by law. When a seaman is shipped in a foreign port, he must be taken before the United States Consul, and his name placed upon the shipping articles, and he then forms part of the original crew, and must be accounted for accordingly. The wages of a sailor cease at his death, desertion, or imprisonment, and the captain is not responsible for debts incurred by officers or men without his sanction.

It is the custom with some ship-masters or ship-owners to interpolate clauses in the shipping articles which are contrary to law, and are therefore void. For instance, the articles frequently provide that no officer or man shall demand or be entitled to any part of his wages until the voyage is completed; whereas the law distinctly says they shall be entitled to one third of the amount due them at any port where

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\* See Appendix A, note 2.

the ship discharges or receives cargo ; also, as to desertion, the articles frequently declare that if the sailor is received again on board after desertion he still forfeits every thing ; but the law says just the reverse, and the law must stand, the articles to the contrary notwithstanding. The Act of Congress approved July 27, 1868, strictly prohibits the wearing of sheath knives\* by seamen in the merchant service ; the law makes it the duty of the master, the owner, or other person contracting for the employment of seamen, upon any ship or vessel, to inform every person offering to ship himself of the provisions of this law, *and to require his compliance therewith*, under a penalty of fifty dollars for each omission. That is to say, the captain incurs the penalty if he allow sheath knives to be worn by the sailors on board his ship. This fact is generally stated in the shipping articles, but is utterly ignored, because captains, as a rule, are ignorant of the penalty attached to this provision of law, as of many others. If they will but reflect that they are liable to a fine of fifty dollars for every seaman who is allowed to wear a sheath knife on their vessel, and how easy it is for some seaman to inform against them, they will be more careful, if not to prevent bloodshed, then to avoid the penalty. Nine tenths of the murders committed by sailors are done with sheath knives.

The mode of shipping seamen hitherto practiced involved the greatest outrages. The shipping contracts throughout the ports of the world were generally made with some self-ap-

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\* See Appendix A, note 2.

pointed shipping-master,\* who, as a rule, was as grossly ignorant as he was knavish; he was generally the keeper, or in collusion with the keepers of several low boarding-houses and drinking-saloons where sailors congregate. These self-appointed shipping-masters and boarding-house keepers frequently conspired together to keep up seamen's wages, and absolutely prevented men from shipping, by threats and beatings, and even by confining them in barracoons, or keeping them drugged or intoxicated for several days. When a ship-master or owner wanted a crew, he was compelled to call in the aid of one or more of these creatures to procure the men for him; and unless the master or owner acceded to their demands, his vessel might lay at the docks for days, at heavy expense.† The seamen upon their entering a port were caught up by runners‡ in the employ of these boarding-house keepers; and no matter how much money poor Jack might have due him on landing, it was not many days before all was spent among vile women, for bad liquor, for shoddy clothing, and mean tobacco. These, as a rule, he got from his boarding-house keeper, who was generally his banker, and who charged three times the proper price for every article furnished, being sure of the pay, as he had taken the seaman's money for safe keeping. Frequently articles were charged more than once, which

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\* This has been modified recently in the United States by the appointment of Shipping Commissioners.

† Even since the passage of the Shipping Commissioners' Act, ship-masters in New York have been embarrassed in this way. See note, p. 70.

‡ See Appendix A, note 4.

the seaman never obtained ; and if he remonstrated, he was told that he ordered them at such and such a time when he was intoxicated. When his money was all gone, as it very soon was, the boarding-house keeper very promptly informed him of the fact, allowed him to stay a few days longer, and then compelled him to ship, being careful to take charge of the seaman's advance wages, as he claimed that poor Jack was indebted to him for boarding and outfit. This outfit usually consists of a shuck mattress, an oiled cotton suit, a flannel shirt, and a pair of sea boots—seldom more, and often not so much. The advance wages paid to a sailor when he shipped in the States was one or two months' wages (twenty-five to fifty dollars), and of this amount the sailor seldom got more than one or two dollars, the money being divided between those who had swindled him. When the ship was ready for sea, and only a few minutes before she sailed, the crew were carried down to the dock in a baggage-wagon, with their "kits," and put on board, blind, crazy, and desperate with drink. Such as were too drunk to stand were carried into the fore-castle, thrown on the floor or into a bunk, where they slept until called to duty, which was generally after the ship had been towed out to sea by a tug-boat.

Some effort has been made in the Act of Congress approved June 7, 1872, to modify this condition of things so far as the merchant service of the United States of America is concerned ; and if that Act is faithfully adhered to and carried out, much good will be done ; but more legislation will be necessary, especially regarding the cruelties practiced

on sailors by their officers, *when at sea*, before the evils under which our commerce is now laboring can be abolished. By the passage of the above Act, self-appointed shipping-masters are done away with, and regularly sworn and bonded "Shipping Commissioners" are appointed, and have taken office from August 6, 1872, whose duties are to afford facilities to ship-captains and owners for engaging seamen; to superintend the engagement and discharge of seamen; to secure the presence of seamen on board at the proper time; to see that no sailor is shipped or put on board when intoxicated; to facilitate the making of apprenticeships to sea service; to have all shipping articles properly made and signed before him; and to see that all wages and advance wages are given to the sailor personally in presence of the commissioner. Captains must make a full and true account of wages and deductions for each sailor to the commissioner, forty-eight hours before paying off or discharging any seaman. The commissioner may hear and decide questions between captains, consignees, agents, owners, or any of the crew; and he is to take charge of the effects of deceased sailors, etc. By this Act runners are forbidden to board ships arriving in port, under heavy penalties; sailors' boarding-house keepers are prevented from soliciting seamen to become lodgers in their houses until twenty-four hours after the ship's arrival; and a scale of provisions to be allowed and served out to the crew during the voyage is provided for. The law is excellent as far as it goes, but it does not go far enough in its protection of the sailor; it should entirely repeal the Act approved



March 3, 1835, and enact severe penalties for all captains or mates who abuse their men. Until this is done, our commerce will suffer for the want of native-born sailors, and by having to pay high wages to foreigners.\*

Before the passage of this Act it was almost invariably the case that the first time a captain saw his crew they were on board, under the influence of liquor, and the ship proceeding to sea. It was then too late to parley or make a change. Sometimes the men came on board with nothing in the way of clothing but what they stood in. What is a ship-master to do in such cases? Fortunately for the seamen, and fortunately for the master too, he carries a "slop-chest"—that is, a lot of clothing of all kinds useful to seamen, and this he sells to such men as are destitute, at a profit of course, deducting from their wages the amount charged for the same. But this "slop-chest" business is sometimes a source of great

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\* The Act of June 7, 1872, has met with violent opposition, as was expected, from the swindling sailors' boarding-house keepers. Two of these human vultures, named Anderson and Kopper, were recently arrested and fined fifty dollars each for boarding a ship entering New York harbor. All engaged in the sailor boarding-house business at New York have formed themselves into a society to obstruct the Shipping Commissioner in carrying out the law, as it interferes with their villainous schemes to plunder poor Jack. In April, 1873, one hundred warrants were issued in New York for the arrest of as many of these land-sharks, who had conspired together to prevent sailors *by force* from shipping or going on board American vessels. They had caused great loss to our merchants by preventing their ships being supplied with seamen, thereby causing them to lay idly at the wharves, full of freight, but unable to sail for want of men.

abuse to sailors, and Congress might make a schedule of prices for articles furnished from the slop-chest, with great advantage to the seamen. Some masters, who love a little money more than fair dealing, sell shabby clothing to the poor seamen at from two hundred to five hundred per cent. profit. As there are no clothing-stores at sea, the sailors are compelled to purchase what goods they want from the "slop-chest," or go without. For the credit of humanity, it is to be hoped there are not many captains who would take from their seamen, under such circumstances, more than a fair profit. But I must say from my experience, officially, as consul, in looking over "slop-chest" accounts, when settling for wages due seamen, some of the charges were exorbitantly high. I have frequently been compelled to require a reduction of one half in the prices charged by masters for clothing furnished the men. I have found some ship-masters so base as to falsify these accounts, and put down articles never furnished the seamen. Others, more honest, furnish a good article at a fair price, and some are so generous as to give poor sailors needed articles of wearing apparel without charge.

The men are first called to duty *as a crew* when the tug towing the vessel to sea casts off, and sail is about to be made. All hands are then called to make sail, but some of them, not having recovered from their debauch, are slow to turn out. The mate soon brings them to their senses, or knocks out of them what little still remains: he seizes a heaver or a belaying-pin,\* rushes into the fore-castle, and strikes at the first

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\* See case of *Fearless*, chap. VII.

nose or head which presents itself, at the same time uttering horrid imprecations.

There are some captains of ships who were so base, before the passage of the Shipping Act of 1872, as to conspire with the shipping-master to rob the poor sailor. It was done in this way. If seamen were plentiful and anxious to be shipped, the shipping-master, who was frequently a boarding-house keeper, would procure a ship, have a secret understanding with the captain, and then require the men to sign the articles as if they had received two months' advance wages. The sailors probably never saw a dollar of this advance: the shipping-master would collect it, and retain one month's wages because of the seamen's alleged indebtedness to him, while the other would be returned to the captain, in accordance with their secret understanding. Ship-owners did not generally know of these transactions, but there were owners who sometimes assumed the captain's place in these robberies. It was all made to appear fair on paper: opposite each seaman's name was the amount of two months' advance, and farther out on the same line was the signature of the shipping-master, witnessing that of poor Jack's, and certifying that the transaction was correct. Thus, for the benefit of his plunderers, the poor outraged seaman would be required to toil day and night, in sun and storm, in snow or rain, for two weary months, and possibly be cast on a foreign shore at the end of that time without a cent in his pocket. At the moment of signing the articles a sailor was in such a maudlin condition that he seldom knew or cared what he was signing.

A great majority of them were ignorant men, unable even to read, and whose signatures were by their marks. Jack was generally intoxicated when he signed in this way, and his memory afterward was not very vivid ; and when he came to settle for the voyage, he was astounded to find that he was charged with two months' advance wages, when he has no recollection of having received a dollar. But there was his name to the shipping articles, properly witnessed, and two months' advance opposite the same. He was powerless, and must take what was offered him, and sign a receipt in full, or he would receive nothing. It is in this way that the sailor has been held in the most perfect bondage, and kept continually poor ; between the ship-master and his mates, the ship-master and the boarding-house keeper, the sailor has been a shuttlecock, knocked hither and thither at their mercy. The Act approved June 7, 1872, will, if properly enforced, partially remedy the evil, and the remedy will be made more efficient by the establishment of comfortable homes for seamen in all our ports, and by making these so attractive that the sailor will prefer them to his former haunts. In some countries, the government has provided in this way for sailors, as in Holland and the Dutch possessions throughout the East Indies, and the system works admirably to the advantage of the sailors of all nations, pecuniarily, physically, and morally. No seamen are allowed to reside on shore in Java (Netherlands, India) without permission of the authorities, no matter to what nation they belong. Immediately after being discharged from a ship the seaman must leave Java,

go to the Sailors' Home provided by the government, to the hospital provided by the government, or on board the guard-ship until he is ready to leave or is sent away. This course prevents the useless squandering of the sailor's money; it prevents his robbery; it prevents the spread of disease; it prevents rioting and murder, for sailors are the most reckless of mortals. The result, as can readily be seen, is the very best for all concerned.

Before our sinking commerce can be again built up, our seamen must be protected from cruel officers when afloat, and cared for when in port. Every ship should be required to carry two or three suits of extra clothing for every man on board, and these should be issued to the men in accordance with a scale of prices allowing a reasonable profit to the ship-owner for the investment of his money, and then enact severe penalties for overcharges. We should protect our sailors from the land-sharks ashore, by building comfortable "Homes" for them, cool in summer, warm in winter, with clean beds, bathing facilities, reading-rooms, gymnasiums, bowling-alleys, billiards, checkers and chess, a hall for religious services, lectures, and concerts; with plenty of hot coffee, tea, and chocolate. Attached to this "Home" there should be a clothing-store, where seamen can get their outfits, all for as nearly the cost price as a reasonable profit will admit. The result will be that the poor friendless sailor will of his own free choice go to such a "Home," and there pass most of his time when ashore. Such establishments should be conducted on high moral principles, attaching severe penalties to any officer who

may be detected in conspiring to defraud or degrade the poor seaman.

What has been done in this direction in New York City is very suggestive. In 1868 there were in this city no less than 169 sailors' boarding-houses, in which it is estimated that 15,000 seamen were annually robbed of at least \$3,000,000. The number of these low haunts has been reduced to about one hundred, of which forty are licensed. In addition to the beneficial operation of the Congressional Act of 1872, the State law of March, 1866,\* for the repression of dishonest boarding-house keepers, which had through an adverse judicial decision been ignored, has been revived, having been declared constitutional by Judge Sutherland in the spring of 1873.

In 1828 the Seamen's Friend Society was organized in New York City, "to improve the social and moral condition of seamen by uniting the efforts of the wise and good in their behalf; by promoting in every port boarding-houses of good character, savings-banks, register-offices, libraries, museums, reading-rooms, and schools, and also the ministration of the Gospel and other religious blessings." During the year following the organization of this society, the Seamen's Bank for savings was opened, in which—although it is now engaged in general business—\$2,000,000 still lie to the credit of seamen. Then the Colored Sailors' Home was instituted under the auspices of the society, and, in 1842, a like home at No. 190 Cherry Street for white seamen. The former, since its

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\* See Appendix A, note 14.

opening, has accommodated 17,486 men, while the latter has found room for 79,978. The Home on Cherry Street has a reading-room and museum, bathing facilities, and excellent dormitories. There is a clothing-store in the basement, and near at hand is the Seamen's Exchange.

During the year ending May, 1872, the number of boarders was 2200, an increase of 238 over the previous year, and of 1237 over the year before. These included both seamen and mates, but not captains, who object to associating on shore with their subordinates. During the same period the men deposited \$32,741 with the superintendent for safe-keeping, and of this amount \$16,144 was sent to relatives, and \$3843 was placed in the savings-bank. Shipwrecked and destitute seamen applying to the American Seamen's Friend Society are sent here, and gratuitously provided for until they obtain another ship. The uniform charge of board and lodging is seven dollars per week, as in the licensed boarding-houses. In the Seamen's Exchange another grand effort has been made for the secular benefit of the sea-farers, of whom over 60,000 come to this port annually, at least 3000 being in port at all times. As in the adjoining Home, part of the basement is devoted to a clothing-store, where every requisite for a sea outfit can be purchased at low rates, and the remainder is used as a bowling-alley. A savings-bank and reading-room occupy the first floor, and a hall capable of seating about 800 people, which will be used for lectures, concerts, and prayer-meetings, is located on the next floor. Above are the offices of the United States Shipping Commissioner.

The benefits afforded by the Seamen's Friend Society extend to the sailors when afloat as well as when ashore. In 1859 it began to furnish loan libraries to naval and merchant ships. The total number of libraries now afloat is about 4500, or about 185,000 volumes, accessible to 180,000 seamen. The report for the year ending May, 1872, shows the following facts: Number of new libraries sent to sea, 312; refitted and reshipped, 424; total (available to 10,888 men), 756; conversions during the year in connection with the work, 70. Both officers and men use the libraries, and the volumes are returned to the society, often years after their issue, in perfect condition; often, too, when a ship has been lost, the library has been placed in a small boat, with the compass and a little store of food, and so preserved.

It may not be advisable for the Government to undertake to furnish homes for our seamen; and even were this judicious, the Government could not, consistently with its proper functions, compel seamen to resort to these homes. But the above facts show what a Christian community may do for our seamen. The work so well begun in New York City, if perfected and extended to every port, will do much to increase the number of American ships, and to improve the character of our merchant marine.

Always, Rem  
Mr. Nickerson



## CHAPTER VI.

Discharge of Seamen.—Who are American Seamen?—Former Discrimination in Favor of Citizens of the United States Ignored.—Extra Wages.—Deserters Entitled to Relief.—The Crew must have Liberty to See the Consul.—Removal of Officers.

HAVING shown how seamen are shipped, the question naturally follows, How are they to be discharged? How is the master, or how are the owners to be relieved from all responsibility on their account, having given bond\* in the sum of four hundred dollars for the safe return of each man, or otherwise to properly account for them? This can be done in several ways :

*First.* By the termination of the voyage, at the place of shipment or other home port.

*Second.* By sickness in a foreign port, when the seaman is unable to proceed on the voyage, and it is necessary to place him in a hospital.

*Third.* By mutual consent of the master and man, in a foreign port, the consul also consenting.

*Fourth.* By well-founded complaint of the master against the man, or of the man against the master.

*Fifth.* By the sale of the ship in a foreign port.

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\* Appendix A, note 7, United States Statutes, vol. ii, p. 203, Act of February 28, 1803.

*Sixth.* By the death of the seaman, or his desertion from the ship.

*Seventh.* By causes to be determined by the consul, with a due regard to the interests of the Government, and the rights and relations of all parties concerned.

By Article XIII, paragraph 128,\* of the United States Consular Regulations, edition of 1870, it is provided that *all* seamen, regularly shipped in American vessels, are to be regarded as American seamen, within the provisions of the Act of 1803, and the other Acts making provision for the discharge and relief of seamen. The Act of 1803, at Section III, discriminates in favor of citizens of the United States as seamen, and strictly stipulates that seamen who *are* citizens of the States, when discharged in a foreign port, shall receive three months' extra wages; leaving it to be inferred that when a seaman who is not a citizen of the States is discharged from any of our vessels abroad, he is *not* to be paid extra wages; and this was the custom among consuls until recently. But, owing to the cruelties practiced on seamen on board of American vessels, and the impossibility of obtaining two thirds of a crew of native or naturalized citizens to go in our vessels, it has been found necessary to ignore this clause of the Act of 1803; therefore, in the revised Consular Regulations of 1870, the President instructs consuls to regard *all* seamen, regularly shipped in American vessels, as American seamen.

When an American vessel clears from a port in the United States for a foreign port, the master or owners assume the re-

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\* Appendix B, Regulation 128.

sponsibility of returning all the ship's company to the United States, or properly accounting for them on the return of the ship in the manner required by law. A bond is given to that effect, the penalty being fixed at four hundred dollars for every man not returned, or not properly accounted for. If the master of an American vessel ship seamen in a foreign port, he must take the men before the United States consul, and have their names properly entered upon the shipping articles; and thereafter the men so shipped form part of the original crew, and must be accounted for as such to the collector of the port where the ship enters in the United States. If seamen are discharged in a foreign port, no matter where they have been shipped, the master must take them before the United States consul, obtain the consul's consent to their discharge, and receive from him a certificate thereof. Before granting this certificate, the consul will require the captain to pay three months' extra wages for each man so discharged. The consul's certificate accounts to the collector of the port for the non-return of the seamen, and relieves the master or owners of all responsibility.\*

In case of the desertion of one or more of the crew, the master must notify the consul, and if the men can not be found, the consul will grant a certificate of the fact. Previous to doing so, the consul must be satisfied that the men have not been driven out of the ship by abuse, threats, improper or insufficient food, or over-work; he must be satisfied that the desertion is not the work of collusion between the master and

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\* Appendix A, note 7.

the seamen. Unless satisfied that none of these reasons have caused the desertion, the consul will refuse to grant a certificate, or he will require three months' extra wages to be paid into the consulate for the seamen reported as deserters, and thus prevent their becoming a charge upon the destitute seamen's fund, by claiming relief from him after the ship has sailed. The best evidence that a desertion is real is the fact that the captain's account with the seamen shows wages due, and which they have ran away and left behind them; if there is nothing due the seamen, that is tolerably good evidence that the desertion is a collusive one—that the master or his officers have bribed the seamen to leave the ship. Few seamen will desert and leave their hard-earned wages.

When seamen belonging to an American vessel are discharged in a foreign port, the master must pay to the consul *three months' extra wages* for every man so discharged, no matter what his nationality may be or where he has been shipped. This is in accordance with the provisions of Consular Regulations 128 and 148\* previously referred to. The Government has stated distinctly† that the several Acts of Congress, from the Act of February 28, 1803, to the Act of August 18, 1856, and the amendments thereto since then, contemplate that, upon the discharge of American seamen in foreign ports, the extra wages shall be demanded by the consular officer at such ports. This is the general rule, to be relaxed only in a few cases, such as where both the master and the seamen are

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\* See Appendix B, Regulation 128 and 148.

† United States Consular Regulations, edition 1868, p. 310.

the objects of a common disaster—the wrecking or stranding of a vessel, or its condemnation as unseaworthy. The Act of July 20, 1840, did authorize the consul, in cases where he deemed it expedient, upon the joint application of the master and the seamen, to discharge the latter without requiring the payment of extra wages, or any other sum of money ; but the inconveniences and expenses resulting from this change of policy, as it had prevailed from the year 1803, were so many and great that, in 1856, the Act of 1840 was repealed, and the discretion exercised by consuls under that statute, as to the discharge of seamen, was revoked.

The existing laws of the United States confer authority on consuls to discharge seamen, as before said, for certain causes, which, for convenience, are classified under the following heads : Mutual consent ; Well-founded complaint of master or man ; Sickness ; Sale of the ship ; and Death. Other reasons may be determined by the consul ; but whatever may be the cause for which American seamen are discharged in foreign ports, the specific requirement of *the payment of extra wages* is so uniform, and consuls are so frequently and explicitly reminded of their duty to collect the same, and of their responsibility in case of default, that the Government can find no reason for the modification of the general rule. In a circular issued by the Fifth Auditor of the Treasury, dated August 22, 1859, and addressed to consuls, it is stated that *no discretionary power is vested in the consul* to exact or remit the payment of extra wages according to his peculiar views of a given case ; the law requires their payment in every

case where the Act of Congress does not explicitly state the exception.

Now the question often arises, In what cases is it proper to remit the payment of extra wages when seamen are discharged abroad? It was my custom, and in consonance with the law, not to require the payment of extra wages when a ship was wrecked or stranded;\* or when a vessel was condemned as unseaworthy; or when the voyage had been prolonged beyond the control of the master, and the seamen had complained that it was continued contrary to their agreement, and demanded their discharge; in cases of mutiny, where seamen were taken from the ship and sent to the States for trial; or where seamen had committed a criminal offense, and had been tried, convicted, and sentenced by the authorities of the port. In none of these cases should a consul exact the payment of three months' extra wages. I generally required only one month's extra wages (this was to the distressed seamen's fund) in cases where a seaman had good reasons for wishing a discharge, such as his being in his home port; or where he shipped again immediately, and did not become an expense to the consulate; or when he obtained more advantageous employment on shore, the master consenting and desiring the discharge in each case. I also think it wrong to demand three months' extra wages in cases where seamen have been discharged for insubordination, or on the well-founded complaint of the master, or where officers are discharged for cruel treatment of seamen. I think a demand for extra wages in

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\* See Appendix B, Regulation 148, last clause.

such cases is a premium on crime, because two of the three months' extra wages goes to the person discharged, and he might frequently so act as to compel his discharge, merely to secure this money.

This matter of extra wages to seamen is one of the most vexatious questions with which consuls have to deal. I have seldom had a case where I required the payment, that I have not met with opposition from owners, agents, or masters. Very few of these appeared to have the power of reasoning, or they did not exercise such power, since a moment's reflection would have convinced them that the consul is only the honored instrument of his Government to carry out its laws; and unless he does so faithfully, he is responsible, and will be held to a strict account when settling with the Departments. In the discharge of this duty, consuls are insulted and brow-beaten, and no doubt would be subjected to personal violence if the parties adversely affected by this law dared to carry out their inclinations.

But, while it must be confessed that the law on this subject is a stringent one, it is clear that it never was the intention of Congress to exact extra wages except in a proper case—that is, in case of a *discharge*. The policy of the Government is to discountenance discharges, and, as one of the means to effect that end, it requires the payment of extra wages; but, if its interposition is invoked for the purpose of carrying out the intentions of the parties, or to give relief against insubordination, on the one part, or oppression on the other, or, in its humanity, to relieve the distress of the sick and helpless seamen,

there is a corresponding and compensating benefit provided for the master, which he is entitled to receive, and which can only be made serviceable to him when the law is completely executed by a discharge, evidenced by the signature and official seal of the consul. The Act of Congress approved February 28, 1803, requires the master of a ship to enter into a bond, with sufficient security, in the sum of four hundred dollars,\* conditioned for the return to the United States of each and every person composing his crew ; to the performance of this condition the master is bound absolutely, unless he shall produce to the collector of the port where he arrives a certificate of discharge, regularly signed and sealed by the consul granting the discharge, or satisfactory proof of the death, desertion, or forcible detention of such person or persons of his crew as he may fail to produce.

This law bearing on extra wages has been characterized as harsh and exacting ; but the Government is persuaded that it rests upon a wise and benevolent policy, and, when properly enforced, is productive of the best results to all concerned. Hard cases must sometimes occur ; but these are "the quicksands of the law," and should never be allowed to interrupt the harmonious and proper operation of the law itself, however much they may be regretted. I have known some very hard cases myself. One, especially unreasonable, was the case of Captain Windsor, master of the good ship *Herald of the Morning*, and a fair specimen of a conscientious American ship-master, who put into Singapore one day "seeking," i. e.,

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\* See Appendix A, note 7.



looking for a cargo, and to discharge a seaman. He was from San Francisco, fifty days out. The seaman had been shipped at San Francisco, but was not observed by the captain until the ship was out at sea, when it was perfectly apparent that he was entirely unfitted for duty. He was suffering from inflammatory rheumatism, and his limbs were terribly swollen, inflamed, and painful. When asked why he had come on board in such a condition, he stated that he was not consulted, but was placed on board against his will, to fill the place of another man who had shipped, but who could not be found when wanted, and that he had been taken out of a hospital at San Francisco, and carried on board the ship, and placed in the forecabin, just before she left port. The condition of the man was not discovered until the ship was at sea, and he did not do an hour's work during the voyage. He was carefully attended by Captain Windsor and his excellent wife, and received pay, at the rate of \$20 per month in gold, all the time. When the vessel arrived at Singapore, the captain sought my official aid in helping him to get rid of such an incubus. This I readily granted by discharging the man, thereby relieving Captain Windsor from the expense and responsibility of carrying him to Rangoon, to Akyab, to Liverpool, and thence to some port in the States. But the ship had to pay the seaman three months' extra wages, besides his regular pay, which was a sore tax, and seemingly bordered on injustice, when we reflect that the man was of no use whatever to the ship. In this instance the law certainly appears harsh and unjust; but had Captain Windsor returned to the States without properly

accounting for that seaman, he would have had to pay four hundred dollars. This penalty was removed by the consul's certificate of discharge. Had the consul failed to collect the three months' extra wages, he would have been held responsible by the Government, and the seaman would have become a heavy expense to the destitute seamen's fund.

Another case, just the reverse, was that of the ship *Simoda*. This vessel had been purchased by an American gentleman doing business at Shanghai, China, and there put under the flag of the United States. After some years' use, he desired to sell her again, and gave the captain a power of attorney to act for him in this respect. The captain shipped his crew, and then proceeded to Swatow with the ship, and there took a load of coolies, as passengers, and a miscellaneous cargo, and then sailed for Singapore, where he arrived in about fifteen days. After discharging the coolies and cargo, the agents of the captain sold the ship to a Chinese firm at Singapore; and after the sale the captain went on board and ordered the crew ashore, telling them that he had no further use for them. The crew came to the consulate, and complained to me that they had no money, food, or place for lodging. They had signed articles at Shanghai for a three months' voyage, and now they were discharged, after eighteen days' service, in a foreign port. Some were barefooted, many in rags, and several of them were quite advanced in life. The crew was composed of both Europeans and Americans. They demanded three months' extra wages, as the ship had been sold in a foreign port,\*

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\* See Appendix B, Regulation 148, first case.

and claimed the protection of the consul, as the representative of the country under whose flag they had last sailed, and under which several of them had fought during the late rebellion. I sent for the master, and, after considerable prevarication, he acknowledged the facts to be as stated by the men, and I discharged the whole crew, recognized their demand for three months' extra wages, and refused to certify the correctness of the sale of the ship until the master complied with the law. After considerable hesitation on the captain's part, and false promises on the part of the managing partner of the agents, the proper papers were made out, the money paid, and the poor seamen properly clothed and sent to the Sailors' Home. Here was a case where the law was all the protection the poor sailor had ; and had it not been for this law, these men would undoubtedly have been cast adrift on a foreign shore, almost naked, penniless, and without a friend. The captain was sufficiently inhuman to have done this, and his agents, being of like character, would have upheld him in his wickedness. I am convinced that *the law is a good one, and that it should stand.*

The various enactments by Congress regarding sailors, will be sufficient to indicate the parental solicitude of the Government for the preservation and protection of American seamen. Even the desertion of a seaman does not deprive him of the consul's protection, and a *destitute* deserter is entitled to relief equally with a regularly discharged seaman.\* All American seamen, whether deserters or not, must be relieved and pro-

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\* See Appendix B, Regulation 156.

tected by the consul, *if destitute*, and sent to the United States at the first opportunity.

The master of a ship is required by law to give his crew full liberty to lay their complaints before the consul,\* who acts as the lawfully authorized guardian of American seamen, to hear and examine their complaints, and to afford them the only protection or measure of justice which, as the representative of their country, he can give them on a foreign soil.

Consuls frequently discharge seamen, and also officers, for cause shown, *against their consent*; this is not authorized by statute, but it is the practice, and the consular jurisdiction has been sustained in this respect by the courts. A fair-minded consul will not exercise this power for slight or venial offenses, nor for a single offense, unless of a very aggravated nature; he should be satisfied that the officer or seaman is either absolutely incompetent to perform the work he has contracted to do; or that he has been guilty of such acts of insubordination as to make him dangerous to a man of ordinary firmness; or that his habitual misconduct (such as drunkenness) amounts to unfitness for duty; or, if he be an officer, that he has been guilty of acts of cruelty to the men, or other improper conduct, subversive of good order and discipline. Cases have occurred where consuls have removed the captain from the command of the ship, and subsequently obtained the approval of the Government. In such cases the consul appoints another master to complete the voyage. The reasons for the exercise of such authority by consuls should be unquestionable.

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\* See Appendix A, note 8.

## CHAPTER VII.

Cruelties practiced on Seamen.—Case of the *Fearless*.—The *Bengal*.—*Shanghaing*.—Cases in Baltimore, New York, and San Francisco.

IN the preceding chapters constant allusion has been made to the cruelties inflicted upon sailors on board American vessels at sea. I now purpose to enter into some details, well knowing that the general public can scarcely be made to believe or correctly appreciate the horrible punishments practiced on shipboard. It is only when some glaring outrage is brought to light by the press in our sea-port cities that the cry of shame is raised against such conduct. These abuses are going on all the time, but I shall only allude to some of the most recent cases of cruelty to seamen, at home and abroad, some of which came within my official jurisdiction.

On the 10th of June, 1870, the crew of the American ship *Fearless* came to the Consulate at Singapore, and complained to me that they were cruelly treated on board, and demanded an investigation and their discharge. I sent for the master and the agents of the owners, and they were present at the examination which followed. Each man was examined separately and apart, and not allowed to hold converse with the others after being examined, so that there could be no collusion. I first examined the seamen, and then called the second mate, and one who had been second mate, both of

their testimony confirming that of the seamen. All were regularly sworn.

WILLIAM YATES said : " I have been badly abused on board the *Fearless* by the first mate. I had only been on the ship one hour, the steam-tug had just left us outside of Boston harbor, when the mate came into the forecastle, where I had been sitting on my baggage trying to recover from the effects of liquor I had drank. He had a belaying-pin in his hand, and with that *he struck me in the face, and completely smashed my nose.* I had not spoken a word of any kind to the mate ; he struck me without any provocation whatever. The captain was in the forecastle at the time ; he had roused me up, and I asked him to allow me to sit a few moments, and I would be all right. He permitted me to do so, and I had just risen to my feet, and was steadying myself, preparatory to going out on deck, when the mate came into the forecastle and struck me in the face with the belaying-pin, as before stated, without either of us uttering a word. I have been frequently beaten since then."

I found that this man's nose was mashed almost flat with his face, the bridge being completely broken down.

JOHN RILEY said : " I have been almost killed by the mate of the *Fearless*. When about an hour out of Boston, the mate fell afoul of the men. He smashed Yates's nose, and as he came out of the forecastle he met me. He struck me on the head with a belaying-pin several times, cutting my scalp open in three places, and knocking me down on the deck senseless. I had not spoken a word to the mate. I was perfectly re-

covered from the effects of liquor, and remember well all that occurred up to the moment I was felled to the deck. When I recovered my senses, I found that I was covered with blood over my head and face. While lying on the deck, some salt-water got into the wounds in my scalp, and my head swelled almost as large as a peck measure. I then had erysipelas, caused by these scalp wounds, and was not able to come on deck for fourteen days. All this was caused by the blows of the mate, and I've had many of them since. After he beat us, we were put in irons, and so kept for about sixteen hours."

I examined Riley's scalp and found three large scars, in one of which I could almost lay my finger, and these he swore were caused by the blows of the mate.

CHRISTOPHER VON GENIS said : "The mate beat and cursed the men every day. Once, when I was hauling on the fore-braces, he struck me in the eye with his fist, and hurt me very much. The blood ran over my face, and my eyes and face were very much swollen afterward. I have been frequently beaten, and have seen the mate beat nearly all the men. Some of those who were worst used went ashore at Batavia, Java, because they would not go farther in that ship. I saw the mate beat Yates, Riley, and Wilson, and the blood running over them. Their heads were terribly swollen, and Riley was laid up for more than two weeks, and came near dying. I was on the top-sail yard when the mate jumped on the boy Henry Hilton."

HENRY HILTON said : "I am sixteen years of age ; the mate of the *Fearless* has often ill-used me. When coming

round the Cape of Good Hope we had a gale, and I was on the top-sail yard reefing. I was in the front of the sail, and we had hard work taking in sail. The wind blew so hard I couldn't keep good hold of the sail. The mate came up on the yard, and, catching hold of the tie of the yard, he sprang up and came down on me three times with the whole weight of his body, pressing my breast against the yard, and almost crushing my ribs in; he hurt me very much, and I spat blood for several days afterward. The same day he almost kicked me off the yard into the sea; but I caught a good grip of the sail, and managed to hold on."

JAMES FOLGER said: "I was second mate of the *Fearless* before Mr. Whitmore, at present second mate; but, as I would not beat and drive the men to suit the mate, I requested to be sent forward, and gave up my position as second mate. After that the mate was very spiteful to me. I have seen him strike and beat nearly every man on board. I was discharged, at my own request, at Batavia, Java, and was sent here by our consul there. I did not wish to sail any longer in that ship, owing to threats made against my life by the mate."

JOHN WHITMORE said: "I am second mate of the *Fearless*. I have seen the mate beat the men frequently, and he has threatened to take my life; he said he would knock my brains out with a capstan-bar. I saw the mate kick the boy Hilton when on the top-sail yard, while we were reefing top-sails during a blow. Saw the mate strike Yates and Riley coming out of Boston. Saw the mate strike Wilson, who was discharged at Batavia. He struck Wilson with his fist right in



the eye, and he was knocked off the gallant fore-castle clear into the anchor chains. His eyes were for days afterward black and blue, and his face was much swollen. After this Wilson was put in irons, and so kept all night."

The captain of the *Fearless* stated, under oath, that he "looked upon Mr. H——, the mate, as a *hasty* man; have known him to abuse the men; have reprov'd him for it, and told him it must be stopped. I am conversant with some of the statements sworn to by the men, and they are true."

Such was the evidence in the case of the *Fearless*. Several of the crew, who had been badly abused, were discharged at Batavia, Java, where the ship had stopped previous to her arrival at Singapore, but these men were shortly afterward sent to me. I discharged every man who complained, and required the captain to pay three months' extra wages. Some of the men were sent to the hospital, and two of them became temporarily insane, caused by the cruel treatment of the mate, whom the captain mildly called a *hasty* man. One of these men lost fifty pounds in weight during the four months he was on board the *Fearless*, nearly half a pound per day! This mate was discharged, or taken out of the ship by the consul at Batavia, but, by a previous understanding with the captain, he came to Singapore, and the captain tried to ship him before me as mate again. I refused to ship him, and then the captain took him on board against my orders. I sent the men to Boston in the ship *Midnight*, and reported the facts to the Government; so, when the *Fearless* arrived in Boston, the men were there waiting for her, and between the Government and

the abused men, I understand the captain and his mate had a lively time. One of the worst features of this case was that many of the crew, principally those who were discharged at Batavia, were American youths of good parentage, and were from the captain's own town ; they informed me that he had urged them to make a voyage with him.

After admitting under oath that the facts were as stated by the men, the captain protested against their being discharged, stating in his protest (which was also made under oath) that he believed his crew had received as good treatment as men generally get on board American ships ; and, although acknowledging that the mate had abused the men, he failed to stop the abuse or remove the mate, but again placed him in position, although two of the officers, the late and present second mates, refused to co-operate with him in his abuse of the men. Notwithstanding his protest, the captain was taken out of the ship by its owners, and his course condemned. I have also understood that some of the young Americans who were abused on board brought actions for damages against the master and his mate, under the third section of the Act of Congress approved March 3, 1835.\*

It is customary on board some ships to inspect the men's chests or trunks when they come over the side ; this is sometimes done so that the mates may steal poor Jack's cigars, tobacco, and liquor ; Jack feels like resisting, and then follows a scene. The luggage is passed up on deck, Jack soon follows it ; he is intoxicated, but while attempting to drag his baggage to the forecabin, he is accosted by the mate :

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\* See Appendix A, note 3.

"What have you got in your chest, my man?"

"My clothes," replies Jack.

"Open it and let me see," says the mate.

"What do you want to see in my chest for?" queries Jack.

The mate construes this to be an impertinent question ; in fact, it is resistance, disobedience of orders, and all that kind of stuff ; but he expected as much, and is prepared for it, with a pair of brass knuckles, or a belaying-pin, or a marline-spike in his coat pocket ; out goes his right arm with full force, and poor Jack receives a blow between the eyes or on his head with crushing effect ; this generally brings him stunned and sprawling to the deck. The lid of the chest is now kicked off, the contents examined, and all liquors, cigars, tobacco, and other little knick-knacks taken out. By this time Jack recovers his lost senses, realizes the folly of contending against such unequal forces, and, if not too much injured, assumes the air of a sensible person, and carries his luggage to the fore-castle. Of course it is right to deprive the men of liquor ; but a more gentle and humane course would answer the purpose much better. Sailors are not brutes, and should not be treated as such ; but they are often treated worse.

On the 30th of September, 1870, the crew of the American ship *Bengal* came to the Consulate at Singapore, and complained to me that they were "shanghaied" on board, and had been very cruelly treated. Now to be *shanghaied* on a ship is to be forcibly impressed to go on board, or to be forcibly detained on board, and made to do seaman's duty by compulsion. When a vessel about to sail is a man or two

short-handed, the infamous shipping-masters will start out their runners along the wharves and docks, or even into the streets of cities, and seize (kidnap) some unsuspecting person, knock him senseless with a slung-shot, if necessary, gag him if he makes a noise, and tie him if he struggles. Cases have been known where gentlemen were attacked in the streets, knocked down, carried on board ship, placed in the fore-castle, and when wanted to help make sail, were found to be dead. There have been several instances, not discovered until the ship was at sea, where dead men were put on board by runners, as part of the crew the shipping-master had contracted to supply ; the officers, seeing a dead man carried on board, presumed it was a drunken sailor. During my official term at Singapore, several men complained to me that they had been *shanghaied*: one was a gentleman named Charles B. Baistone, who had been a clerk in a commission-house in the city of Baltimore, where he had a wife and family. Mr. Baistone stated that he had visited the theatre the night he was *shanghaied*, and was returning home alone, along a street near the water-side, about eleven o'clock, when he was attacked in the public street by four men, knocked down, gagged and bound, carried to a boat, and put on board a British bark lying in the bay. While he was in the boat he fainted from fright and loss of blood, the blow which knocked him down having made a large wound in his head. When consciousness returned, the vessel was under way ; he went to the captain, an Englishman, told him he was no sailor, and how he had been kidnapped ; the captain affected to disbelieve him,

produced the shipping articles, and, pointing to a name thereon, told him that was *his* name, that he had signed the articles, received his advance, and must now make the voyage; he then ordered him forward, refusing to hear any thing more. From that time to the end of the voyage, this gentleman was shamefully abused because of his ignorance of seaman's duty, which he was compelled to do as best he could. Upon my representation of his case to the marine authorities at Singapore, he was discharged from the ship; but, as she sailed under British colors, I could do nothing more than report his case to our Department of Foreign Affairs at Washington, and send him back to the States by the first opportunity. This man had a wife and three children in Baltimore, entirely depending on him for support. Harrowed by anxiety on his behalf, and suffering for the want of his care and protection, they did not hear from him for at least six months, and doubtless believed him dead. The injury thus done to him and his family was irreparable.

In February, 1872, Robert Seymour, a tinsmith, doing business in South Fifth, near Eleventh Street, Williamsburg, came over to New York to do some work in a vessel lying at the foot of Rutgers Street. How or in what way it occurred, Mr. Seymour does not know, but he was made unconscious; and when he recovered, he found himself *shanghaied*, in the hold of a vessel which was at sea, in company with three other men, all of whom had been kidnapped in the same manner. On the succeeding day they were taken on deck and requested to sign a paper, binding them to go on a whaling voyage.

This they refused to do, told their story to the captain, who was an American, and demanded to be put ashore. On their promising to make no trouble about the matter, nor inform on their captors, the ship was headed for land, and they were taken ashore in a small boat, off the mouth of Chesapeake Bay. From there they walked to Baltimore, and were passed thence to New York. Mr. Seymour was unable to give the name of the vessel or captain, but says it was not the one in which he was at work. From the day he left Williamsburg every effort had been made by his family to obtain a clew to his whereabouts, but in vain. His wife and children had given him up for lost, just as they were joyfully surprised by his re-appearance at his old home.

Another of these outrages occurred even in the harbor and streets of New York, in broad daylight, in May, 1871. A British ship was ready to sail, and only waited her full crew, being short a few men. The shipping-master started out a gang of his ruffian runners, headed by a notorious ex-convict rowdy called "Frenchy." They boarded the American ship *Black Hawk*, about two o'clock in the afternoon, just as she was hauling out from her berth, at Pier 19, East River, bound for San Francisco. After getting on board, they seized a German sailor named Charles Hasson, dragged him to a wagon which they had in waiting on the pier, held him therein, and then drove off at a furious rate to the North River side, where they threw him into a boat, rowed out to the British ship, and placed him on board of her. The officers of the *Black Hawk* were so astounded by the audacity of the trans-

action that the scoundrels had disappeared before they could recover from their astonishment. The harbor police were quickly signaled, and they soon after boarded the British ship, and returned Hasson to the *Black Hawk*; but they did not succeed in securing his kidnappers.

There is only a partial legal remedy for these outrages at the present time. The Act of Congress approved June 7, 1872, makes an attempt, through Section XIV, to punish the owners of ships in which men are *shanghaied*, by making the ship liable in the sum of two hundred dollars for each offense. Two hundred dollars would not pay for one moment of the mental misery suffered by such men as my Baltimore friend or Mr. Seymour, as before related, to say nothing of the anxiety and suffering of their families, the interruption to their business, and the brutalities inflicted upon them. If some honorable Senator or member of the Lower House should, in his rambles about New York, be knocked down, tied, dragged to a boat, pulled off to a ship, pitched into a filthy fore-castle until she was out at sea, then ordered to do seaman's duty, and be beaten, chained, and starved because he could not, it seems to me that the laws would be speedily amended in this respect, and in many others equally desirable. The Act of 1872, which authorizes the appointment of "shipping commissioners,"\* should be immediately amended, so as to make the ship liable in the sum of five thousand dollars, with imprisonment of the captain in the penitentiary for

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\* Forty-second Congress, Second Session, H. R. 2044, approved June 7, 1872.

five years, in every case of *shanghaing*, unless the person so *shanghaied* is immediately returned to the shore when the facts are made known, with sufficient means to reach his home speedily. The law-makers, the friends of humanity, and Seamen's Friend Societies, should see to it that these outrages are no longer ignored.

I must now recur to the case of the ship *Bengal*. The men having complained to me that they had been *shanghaied* and cruelly treated, I sent for the captain, and, after swearing each man, began the examination.

DONALD MCNEIL said: "I had just been discharged from the British steamer *Sarawak*, at Rio Janeiro, and had found profitable employment in the gas-works of that city. I had not received my wages or removed my clothing from the steamer, as I knew she would be in port some days longer. I had merely gone ashore to secure a boarding-house. As I stepped on the pier, a man asked me to go on board the American ship *Bengal*, and help pump her out, and he would give me three milreis (one milrei is worth about a dollar). Thinking to make a little extra money, I consented, and went on board the *Bengal*, but soon found I had been deceived, as there was no pumping to do. When I discovered this, I attempted to go over the side to get in a boat, so that I might go ashore again; but I was stopped, and not allowed to go. The mate prevented me, although I told him I had not shipped, and had not signed the shipping articles. I told him that I had just been discharged from a British ship, that I had not yet received my pay, and that all my clothes were aboard of her.



He said he 'didn't care a ——' about my clothes or money; that his ship had no crew, and sailors were scarce in Rio because of the yellow fever. He then ordered me to go to work; and when I refused, he kicked me into the fore-castle. I then became frightened, screamed aloud that I was a British subject, and hallooed. There was a British gun-boat lying near us, and I hoped they might hear me and send me relief; but they didn't, and the mate cursed me all the more, and beat me on the head with a belaying-pin. The blood ran in streams down my face. The doors and windows of the fore-castle were then fastened, and I was kept in there a close prisoner, with others who had been *shanghaied*. The next day the ship left the port, and myself and the others were brought out of the fore-castle and again ordered to work; and because we refused we were again beaten, and the blood made to run. These beatings continued from day to day, until we were so starved and abused that we were compelled to work. Of course, I demand my discharge; and as I am a British subject, and have been grossly wronged and abused, I will try to get damages for the injuries and losses I have sustained."

ALEXANDER MCCREA said: "I was cook of the British steamer *Sarawak*, lying in the port of Rio Janeiro. Hearing that a 'townie' of mine, from Glasgow, Scotland, was on board the *Bengal*, I went on board to see him. After chatting a while, I attempted to go ashore; but the first and second mates prevented me, and said that I must stay on board, as I had been shipped. I told them I had not shipped, and had no such idea; that I was cook of the *Sarawak*; that my wages and

clothing were on her ; that I was a married man, and had a family ; and that I was not familiar with seamen's duties. But they only called me vile names, and then, cursing and swearing at me, ordered me to go forward. They began shoving and striking me, and in that way forced me into the fore-castle. I lost my clothes, money, and certificates of service on the other vessel. I was *shanghaied*, and was not allowed to see the captain until the vessel was far out to sea, and then, when several of us told him our case, he said he was very sorry for us, but he could not turn back. All the men have been terribly abused ; the sails are covered with the blood of the men. I am from Glasgow, Scotland, but I served two years and four months in the United States Navy, and afterward in the Fourteenth Regiment of Connecticut Volunteers. I desire to leave that ship, as I want to get back to my family. They have no idea where I have been for the last five months."

FRANCIS CAMPBELL said : "I am an American citizen, born and raised in New York City. I am a ship-carpenter by trade, but I am no sailor-man. I was working at my trade in Rio Janeiro, and became badly ruptured by handling and lifting heavy timber. Had inguinal hernia, and was sent to the hospital at Rio, and was recovering from a severe surgical operation. I was unfit for any work, but could walk about slowly, and in a short time would have been entirely cured. One day I met some acquaintances, took a glass or two of liquor with them, and the next place I found myself was on board the *Bengal* at sea. I had not shipped in the vessel, and, because of my inability to work, I have been very cruelly abused. The

first and second mates have caused me to lose almost a gallon of blood, from time to time, by their blows, usually with their fists, hitting me in the mouth and on my nose. My blood stains every sail on that ship! I have been knocked down on deck frequently, merely because I couldn't get along fast enough to please them. I was compelled to haul on the braces, and this caused my rupture to return worse than ever, so that I had to go about the deck holding up my bowels which protruded through the rupture. I demand my discharge, and that I be sent to the hospital and be protected."

JOHN HENRY CRANK said: "I came to Rio in the British ship *Flying Foam*. I had not been discharged from her, and did not intend to leave. One evening I had liberty to go on shore, and there I met a man who asked me to go on board the *Bengal* with him, to bring the mate ashore, who, he said, was very sick. When I got on board, the officers detained me, ordered me into the fore-castle, and beat me when I complained. I lost my clothes and pay in the British ship, and have been terribly beaten with rope's-end, belaying-pins, and sticks; I have been knocked down with a bucket; on one occasion the second mate kicked me off the top-sail yard, and I fell to the deck, a distance of about thirty feet, and was much injured; after this I was laid up in the fore-castle nearly two months. When I got out again I was abused more than ever; of course, I want to leave the *Bengal*, and demand my discharge."

It is not necessary to copy the evidence of the other members of the crew; it was of much the same character as the

above, and, notwithstanding its terrible truth, the consul had but little power ; he could only discharge the men, require the highest wages to be paid them, with three months' extra wages. I did all this, and took the brutal mates out of the vessel, believing them to be improper persons to command men on an American ship ; but I could not help feeling that this was very little recompense for the losses and sufferings of these poor men. The British subjects among the crew attempted to obtain damages by civil suit on a charge of kidnapping ; and as the Island of Singapore is British territory, they might have succeeded, as they certainly deserved to succeed, but the captain speedily shipped another crew, then pulled up his anchor and left the port. Before leaving, he stated to me, in justification of his course, that on his voyage out he had the misfortune one night during a gale to run down a vessel off Rio Janeiro, by which accident all on board the unfortunate vessel were lost ; that his own vessel was badly injured by the collision, and he was compelled to put into Rio for repairs ; there his whole crew deserted him, and when he was ready for sea again, the sailor population was almost decimated by yellow fever ; men were very scarce, and he offered high wages and a premium for them ; the runners brought them on board, and he put to sea, not knowing or caring where they came from, feeling that he must get his cargo to the port of destination. He admitted that my action was perfectly right in discharging the men and taking the mates out of the ship. The captain *personally* was not a cruel or hard-hearted man, as was proved by his not being implicated in any of the pun-

ishments inflicted on the men, and by his distributing clothing among them free of charge. He disclaimed all knowledge of these cruelties ; and he may not have known of them, as it is a common thing for mates to prevent sailors complaining to the captain, by threats of worse punishment if they take that course. But, whether guilty or not guilty, I have heard that the captain is now dead, having been drowned at sea on his return voyage homeward.

In the month of July or August, 1872, the city of San Francisco, California, was very much excited by the *shanghaing* of one of her most promising young citizens. This gentleman is the principal book-keeper in a large flouring mill in that city, and was in the habit of giving a "good-day" to an individual who often passed the mills, and whose acquaintance he had casually made. One day, after conversation, the acquaintance requested the pleasure of the book-keeper's company at dinner ; the invitation was accepted, and both enjoyed a sumptuous repast, during which sundry bottles of champagne were disposed of. This performance was the last the book-keeper remembered until the following morning, when he found himself confined on board an outward-bound ship. When he had recovered perfect consciousness, he demanded an explanation from the mate, and afterward from the captain. The latter produced the shipping articles, on which appeared the book-keeper's name, whereby he agreed to make a voyage in the ship as a common sailor. The captain stated that he had paid seventy-five dollars for that signature, as three months' advance wages ; and the unfortunate book-keeper was com-

pelled to produce an equivalent for that amount before the captain would put him ashore. The police were put on the track of the "casual acquaintance," and if they had caught him, he would have been severely dealt with.

I could go on and relate many more instances which came under my *official* notice of cruelty, *shanghaiing*, and furnishing improper or insufficient food, for in almost every case of an American ship entering that port (certainly two out of every three), I was called upon to hear complaints from members of the crew. The cases related will suffice to show how seamen are punished abroad in our vessels. I am sure the records of every United States Consulate in foreign sea-ports of any magnitude will exhibit a condition of affairs similar to that I have here attempted to describe. In the following chapter I will detail a few cases of excessive cruelty which have come to light at home, through the instrumentality of the police and the courts, and which have startled the American people and the American press into bitter denunciations of the brutal ship-captains and mates who were the principal actors therein. The only remedy is more stringent laws, and the more certain and speedy punishment of guilty officers.

## CHAPTER VIII.

The Case of the *Old Colony*.—Two Men *Shanghaied* in Spain and Cruelly Abused.—The Case of the *Neptune*.—Seamen almost Frozen to Death.—They are Compelled to Work although their Fingers Drop off.—The Case of the *Matterhorn*.—Poor Blake.—He is Shot and Stabbed and Hung.—His Suicide.—The Steward Drowns Himself.—An Old Man Beaten.—The Case of the *Helen O. Phinney*.—Another Murder.—A Leap for Life.—Starving Sailors.—A Remedy suggested.

IN the month of December, 1870, the master of the American steam-ship *Old Colony* was brought before Judge Woodruff, in the United States Circuit Court at New York, on a charge of "cruel and inhuman treatment" of two sailors named Ramon Raus and Franco Fraice. These men were Cubans, and were *shanghaied* on board the vessel at Valencia, Spain. They were told that the *Old Colony* was a Spanish vessel, having Spaniards for officers and crew. As they could not speak nor understand any other language than Spanish, they did not desire to ship in any but a Spanish vessel; and when they came on board, and discovered the deception practiced upon them, they declined to ship in the *Old Colony*, and refused to sign the shipping articles, giving as a reason that they were not printed in the Spanish language, and they could not read nor understand any other. Notwithstanding their re-

fusal, they were taken to sea, and compelled to serve on board during the voyage from Valencia to Cadiz, and from Cadiz to New York. The mates of the *Old Colony*, three in number, were charged with aiding and abetting the captain in his cruelties, and to somewhat relieve themselves from the dangerous position in which they were placed, the master and his officers trumped up a charge of "mutiny and attempted arson" against these poor sailors; but the charge was dismissed, and the wicked cruelties of these officers denounced by the court.

Shortly after the arrival of the ship at the port of New York, one of the crew made his way to the police station, and there made known the condition of Raus and Fraice, and the cruelties which had been inflicted upon them. Several police officers immediately boarded the vessel, where they found Raus and Fraice in a small and filthy inclosed space, suffering terribly from the effects of their ill-treatment during the voyage. They were much emaciated from starvation and from long and close confinement, and were so reduced and prostrated that it was found necessary to obtain an ambulance and send them to the hospital for medical treatment. The barbarities practiced on these men, and especially on seaman Raus, have seldom been exceeded; both were brutalized, but as the case of Raus was made the test, I will confine myself to that.

In the course of the evidence, it appeared that on the second day out from Valencia the captain and the second mate began to beat Raus *with a capstan-bar* (a piece of wood weighing about ten or fifteen pounds) on the shoulders, back, and



loins. They issued orders to him in the English language, and then beat him for not understanding them, and thus failing to execute them. A day or two afterward the captain and second mate beat him again with a thick rope. Raus begged to be put ashore when the ship arrived at Cadiz ; but the captain refused, and kept him and Fraice close prisoners, locking them in the fore-castle every night during their stay at Cadiz.

Raus was frequently beaten by the second mate, the captain always being present. At one time they beat him with a shovel. After leaving Cadiz, they continued to beat him. They tied his hands behind him, and then an empty beef barrel, weighing over seventy pounds, was tied to his back, and he was made to walk the deck in this condition for four hours. The first mate then set a ferocious dog on him. The dog seized Raus by the leg and wrist, and tore his flesh in several places, leaving ugly and dangerous wounds, which were exhibited at the time of the trial. After the dog had torn him, he was tied up and beaten again. On one occasion he was struck on the head with an iron bar, and his scalp laid open.

Poor Raus now became afraid that the captain and mates would kill him, and he secreted himself in the hold of the ship to avoid his tormentors, where he lay, exhausted from his wounds and hunger, for two days and nights, having nothing to eat but a small piece of raw salt pork, and no water to drink. After two days' search he was discovered, and was taken on deck, and there again beaten, and then returned to the hold, where he was confined for seven days, being allowed only six biscuits a day, and no other food. The captain

now ordered Raus to be put in irons, and bound down to the deck in a very painful position. While he was thus ironed and bound down, the first mate rasped his teeth with a thick iron bar, breaking some of them, he being confined in such a way that he could offer no resistance. The iron bar was then forced into his mouth, a cord was attached to each end of the bar, and the two cords tied behind his head. He was thus handcuffed, bound, and gagged for four hours. He was then relieved, but only for a short time. The mates came into the hold and took him on deck, and there he was again handcuffed. This time his hands were extended above his head to a cross-tree, a rope was drawn between his legs, a bar of iron bound across the back of his neck, and in this way he was hoisted up to the main-yard and lowered down again several times. The rope between his legs cut him severely, and he suffered excruciating pain. For fifteen days he was handcuffed and secured to a stanchion by a chain twenty feet long, being fed on sea-biscuit and water only. At one time he was hoisted up to the maintop-sail sheets, and kept there from morning until noon, with a heavy iron bar, seven inches in circumference, on his neck. While in this position the rope slipped, and he hung head downward a while, and finally fell to the deck, being much injured. When he was discovered in the hold where he had secreted himself, the captain caught him by the hair, and struck him a stunning blow in the face with his fist. While he was chained in the hold he was almost naked, and the weather was very cold ; but the captain, who wore heavy sea-boots, took pleasure in walking over poor

Raus's bare feet, thus causing painful sores. At another time the captain kicked him in the face, having his heavy sea-boots on. The only clothing Raus was allowed, while chained in the hold, were trousers and under-shirt. He was taken out of the hold when it was raining, and made to stand on deck in the cold, almost naked.

This is the way seamen were treated on board the American steam-ship *Old Colony*. All were badly treated, but Raus and Fraice fared the worst. These men were *shanghaied*, would not sign the shipping articles, and did not wish to ship in the vessel, because they could not understand the language in which the orders were given. The counsel for the captain argued in his defense that the men would not work. That was no defense at all, as Raus and Fraice were not shipped on his vessel, and he had no right to carry them from Valencia, or to compel them to work. He had, in connivance with a villainous shipping-master, kidnapped Raus and Fraice at Valencia, and carried them away from their own country by force, and he had treated them with atrocious cruelty.

Owing to the peculiar wording of the third section of the Act of 1835,\* the captain and his mates escaped the *criminal* punishment they so richly merited. The jury, after hearing the evidence, found them "guilty of cruelty;" but as they did not add to their verdict that these men were punished "with malice, hatred, or revenge," the captain and his mates were merely discharged. The sooner Congress amends the Act approved March 3d, 1835, for the protection of seamen, the

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See Appendix A, note 3.

better it will be for the reputation of our country, and for the welfare of the (at present) unprotected American seaman. As at present worded, the third section of that Act is a dead letter, in so far as the conviction of ships' officers on charges of cruelty is concerned.

There are, however, other modes of punishment for such creatures. Immediately after the captain of the *Old Colony* was set free from the *criminal* charge, he was arrested upon a writ issued by Judge Blatchford, in a civil suit instituted by the counsel for Ramon Raus. This suit was brought to recover damages in the sum of ten thousand dollars for personal injuries inflicted on the said Raus by the captain. The latter was required to find bail in the sum of ten thousand dollars to answer the charge. Seaman Raus, by advice of his counsel, then brought another suit against the captain, and a warrant was issued by Judge Blatchford on a charge of false and malicious imprisonment, and the accused was required to find security in the sum of ten thousand dollars more. He was arrested on the latter charge just as he was about leaving the pier for another voyage. His time had been lost, his voyage broken up, and the expenses incurred by him in these various actions amounted to more than he could earn in a year ; and his character was ruined.

The case of the American ship *Neptune* is another of those terrible blots upon the record of our merchant marine. The captain of the *Neptune* has frequently been before the courts charged with cruelty to seamen and deck passengers on the same vessel, so that both he and his ship have become noto-

rious. At the conclusion of the trial of which I am about to give an account, this captain announced his determination to leave off going to sea; and it is hoped for the good of mariners that he will keep this resolve, as poor Jack will thereby experience a sense of relief, knowing that there will be one fiend less to torment him.

The ship *Neptune* left Liverpool for New York on Christmas-day, 1870, and about one month afterward she was nearing the coast of North America. The weather was very cold; the decks, rigging, masts, and yards were covered with ice. According to the testimony of seamen Francis, Alboy, Connolly, Johnson, Miles, Brown, Moore, Rice, Williams, Lux, Reice, and Oliver, they were cruelly abused and maltreated during the whole voyage. One morning, when the cold was most stinging, when the ice covered every thing, and the snow was falling fast, the captain ordered them aloft to do some work, which appeared entirely unnecessary, as the ship was in good sailing order at the time; but these tars braved the danger of the slippery, icy shrouds, went aloft, and while there they were terribly frost-bitten. Notwithstanding this—notwithstanding their complaints—they were kept up there, amid the ice and snow and cutting winds, until the work was done. When they were allowed to come down, they all complained to the captain that they were frost-bitten; but he refused to take any notice of them, and they were kept steadily at work. Seaman Johnson was sent out on the jib-boom to work, although he complained that his footing was insecure because of the ice, and that he could not take a good hold because of his

frozen hands ; yet he was kept out there until he had done the work he was ordered to do, at the momentary risk of his life. The seamen were made to take their turns at the wheel, although every twist of the wheel left a portion of their frost-bitten flesh on the handles. Seaman Albo's feet were horribly mutilated in consequence of frost-bite ; but he was compelled to get up at midnight, in stormy weather, piercingly cold, and hobble his way along the deck without shoes, his bare feet in the ice-cold salt-water. He was obliged to grasp the stanchions and rigging to support himself under the agony he was suffering.

Seaman Williams was confined to his bed by his sufferings ; but the captain came into the forecabin and pulled him out of bed, and forced him to stand on the poop-deck in the freezing cold for four hours. Seaman Reice exhibited his frozen hands to the second mate, and by way of sympathy that officer struck him a severe blow on his hands, causing the most intense pain. Reice testified that he was sent for repeatedly by the captain to come to his cabin, and when he got there he would find that officer alone, and then and there the latter would beat him, there being no witnesses to the fact.

Seaman Brown was often beaten by the captain and mate, with their fists and with belaying-pins. Seaman Lux had one of his hands so badly frozen, by the forced and unnecessary exposure he was ordered to undergo, that one of his fingers dropped off. Twice when Lux showed his frozen hands to the captain, requesting to be cared for and allowed to rest from work until he was more able, the latter took him into the

cabin and beat him. The first mate also beat him, and the second mate amused himself by beating and kicking this poor unfortunate sailor daily during the entire voyage. He said that Lux's hands were not frozen enough, and threatened to stand him on the poop-deck so that his head might freeze. Seaman Moore was pulled out of his bed, and driven aft to haul on the braces, although he was not able to lift the ropes, both of his hands being frozen. One of his hands had to be amputated immediately after his arrival in New York, mortification having set in. The captain knew Moore's hands were frozen, as Moore had repeatedly shown them to him. When he told the captain that he could not pull on the braces because of his frozen hands, the captain ordered him, with an oath, to "get aft."

Seaman Miles was driven out of the forecabin when very sick. "The captain came into the forecabin and told me I must get up, although my hands were frozen, and my legs and feet so swollen and painful that I could scarcely stand or walk. After I got up, he told me to put on my shoes; but I could not get them on. I stuck my toes in them, and went out on deck; and the captain then told the mate, if I went forward during four hours, to keep me eight hours on deck. I was then ordered to help furl the mainsail, and the second mate kicked me three times because I could not handle the sail well with my frozen hands."

Seaman Connolly stated that he was once ordered to reef the mainsail, and when he went aloft the first mate tried to pull a halyard so as to throw him into the sea, but failed;

and when Connolly came down to the deck, the mate beat him, and continued to treat him brutally afterward. Connolly said he had sailed in many ships, but never had been in one where the men were so badly abused as they were in the *Neptune*.

When the police went on board, after the arrival of the ship at New York, they witnessed a most frightful scene. In a small, unventilated forecastle, reeking with foul air, were grouped the sailors, moaning and crying with the intense pain they were suffering. The stench from this den was unbearable, and every thing around had a most filthy aspect. The police beat a hasty retreat, but soon returned with several physicians, and orders were speedily issued to have the poor seamen conveyed to the hospital. Having been refused all proper means of relief to allay their pain, their wounds were raw and undressed, affording a shocking evidence of the inhumanity of their officers. The facts speedily spread ashore, and a large crowd soon collected about the dock. The captain had secretly left the ship immediately upon her arrival, without making any provision whatever for these poor, helpless men. The police arrested the mates; and as they were taking them ashore, the crowd gave vent to its indignation, and cried out, "Hang the scoundrels!" "Here's a rope for you!" etc.; but the mates were finally lodged safely in jail.

The captain was subsequently arrested; and, singular as it may appear, when the trial came on, he and his mates escaped punishment on the *criminal* charge of "cruelty to seamen," on the same quibble that had served the captain of the *Old*



*Colony.* Several civil suits were then brought against the captain by the attorneys for the seamen for damages, and upon conviction he was made to pay three hundred dollars in each case. A more fitting punishment would have been ten years' imprisonment in the penitentiary.

The reader will certainly think the cases related are bad enough. The treatment of Seaman Raus did not produce death, but that is not to be attributed to the mercy of the captain. The freezing of the men on the *Neptune* did not result in death, but did their captain care whether it would or not? There are at sea to-day many cases of the same kind, and some, if possible, even worse.

In 1870, a mate of the ship *Matterhorn* was arrested at New York on an indictment for "cruelty to seamen." In the course of the examination it appeared that the American ship *Matterhorn* sailed from Cardiff, Wales, on the 5th of March, 1870, for Callao. Henry Bowman, the ship's carpenter, after being sworn, stated: "On the morning of the 17th of March, 1870, when at sea, between four and five o'clock, I heard two pistol shots. I sprang out of my bunk and went on deck, and there I saw a seaman named Moses Blake stretched on the deck, the blood streaming from wounds in his head, and the captain and mate standing close by. The captain said, 'The cutlass comes pretty handy since it has been sharpened; if any body wants any more cutting, let him come on.' Blake continued to lay on the deck about fifteen minutes; he was then taken up and put in close irons, his wrists handcuffed together. The mate put the irons on him; and the poor fellow

was then brought to the mizzen stay, where he was triced up three or four feet clear of the deck. I mean by being 'triced up' that a tackle was hooked to the irons on his wrists, and he was then hauled up, or suspended by the wrists, several feet clear of the deck. Blake begged the captain most piteously to let him down, and said that his wounds hurt him very much. He was hauled up by the men on watch by order of the captain; he had several wounds about his head, and his wrists were cut half through by the irons. When he was lowered down to the deck, after hanging some time, he could not stand, but fell on the deck all in a heap, and there lay crying. I saw wounds on other parts of his body, as if he had been cut or stabbed. When Blake was sitting on the deck crying, I saw the captain and mate kick him several times, the captain on one side and the mate on the other; they kicked him on the head. He was then hauled up again to the cross-jack yard the same as before, and kept hanging ten minutes, swinging with the motion of the ship; and when lowered down, he dropped helplessly on the deck and cried as before. I saw him again after breakfast; he was triced up, and then appeared to be covered with wounds, while his face was much marked with bruises, his eyes were closed, his head covered with scars, and there were several wounds on his arms and body. He looked as if he were dead. The captain then lowered him down, and he remained in irons. That day we met a ship between two and five o'clock. Blake was triced up at the time, but lowered down as we passed, and the mate made him sit down in the middle of the deck-house, so those on the

other ship could not see him ; and after the ship passed he was hauled up again, and I saw him hanging and crying. I saw an iron, called a chain-stopper or devil's-claw, weighing about fifty pounds, fastened to his feet at one time. After he had been punished so severely, I took him to the captain ; and he went down on his knees and begged the captain's pardon, and said he would be a good man if the captain would forgive him. He also begged the mate's pardon, on his knees, and promised the same. The captain and mate only laughed and ridiculed him. Blake had two bullet-holes in his head, one over his right eye, and the other over his left ear. His shirt was covered with blood. A few days after this punishment, Blake jumped overboard and was drowned. The punishment began on the 17th of March, and he jumped overboard about the 24th of the same month. I saw him about five minutes before he jumped overboard, and the mate was then standing close by him. The mate was the first to give the alarm that Blake was missing. It was about six o'clock in the evening. When we arrived at Callao, the mate told me to say nothing about Blake being hung up or put in irons. I did not see the pistols at the time Blake was shot ; I merely heard the shots. I saw the captain knock Blake down. During the time Blake was being punished he had nothing but bread and water as food. I have seen the captain beat Emmanuel, the steward, who also jumped overboard and was drowned. I saw him go overboard. There was also an old German on board, named Hermann, about fifty years old, and quite bald-headed. I have seen both the captain and mate

beat him. I saw the mate hit him on the head one evening, but I could not see what he struck him with. The blow caused Hermann's head to bleed very freely ; and he was beaten again that same night by the captain and mate together. When I saw him the next morning his face was much swollen. I gave him some food, but he could not eat."

Such was the testimony of the carpenter of the American ship *Matterhorn*, and it was fully confirmed by several other witnesses. The defense set up by the mate was disobedience on the part of the men and a mutinous disposition, all of which was disproved by the evidence for the prosecution. The mate was held to bail ; but up to this time I can find no record of his having been tried and punished.

In the month of December, 1870, the captain of the American brig *Helen O. Phinney*, with his mates and steward, were arrested at New York on a charge of murdering one of the crew. It appeared from the evidence on the examination that a seaman called "Austrian Jack" was up in the rigging, in the harbor of Montevideo, cleaning the masts ; and, wishing to be lowered, he hailed the deck, and sung out "Lower away !" This sailor-like call gave offense to the first mate, and he ordered Austrian Jack to come down ; but no sooner had he reached the deck than he was set upon by the first and second mates, and severely beaten with belaying-pins. After he had been thus abused by the mates, and while he was yet sitting on the deck wiping the blood from his face, the steward walked up to poor Jack, and when within four feet of him fired a pistol, the ball from which entered the person of Austrian Jack, who

immediately expired. The captain failed to report these facts to the United States consul, or to the authorities of the port, as required by law ; indeed, he assisted the steward to leave the vessel, and placed him on board a steam-boat just leaving the harbor for Buenos Ayres, and then kept the other seamen closely on board until he got the brig under way, when he put several of them ashore, fearing they would be witnesses if the murder became known. The brig arrived at Buenos Ayres, and there took the steward on board again, and sailed for New York, where the remainder of the crew made these facts known, and the arrests followed. The prisoners gave bail. Two years have now elapsed, but they have not been brought to trial, and probably never will be.

On the 13th of August, 1872, seaman John B. Monday was removed by ambulance from the ship *Hudson*, then lying at Pier 20, North River, New York, to the Centre Street hospital. When he arrived at the hospital, Monday was found to be terribly bruised, and some of his limbs were broken. He stated that on the 26th of July, 1872, while a heavy gale was blowing, he was standing in the foretop of the ship ; the mate was in the rigging above him, near the top-gallant yard. The mate called out to him to go aloft, and take in the royal ; he ran up the rigging, and saw that it was impossible for him to pass by the mate ; he then told the mate that he could not jump from where he stood to the royal yard, when the mate shouted with an oath :

“The captain’s orders are that you get to the royal yard, and if you don’t go, I’ll blow your brains out !”

"You can commence that as soon as you like," answered Monday; "I'd as soon have my brains blown out as jump to the royal yard and fall to the deck."

The mate then threatened Monday further, and the unfortunate man, in sheer desperation, attempted to jump to the royal yard; but it was too far, and he fell to the deck. Both of his legs were broken, and his flesh was mashed almost to a jelly. In this condition he lay from the 26th of July to the 13th of August, there being no surgeon on the ship to set the bones or dress the wounds. The mate was not arrested, as he could not be found.

On the 22d of August, 1872, the crew of the brig *John M. Brown* appeared before United States Commissioner Shields, of New York, and preferred charges of cruelty and furnishing insufficient and improper food against Captain Arnett. According to the statement of the men, they were shipped at Galveston, Texas, and their troubles began after they left Cedar Keys, Florida. They were overworked, and their food was very coarse, insufficient, and ill-cooked. When at sea, June 15, their allowance of salt-beef was stopped, and they were left to subsist on salt-pork and bread only. The man placed in the galley as cook had never acted as cook before, and knew nothing about it; and the food served out, though bad enough at first, was made worse by the so-called cooking in filthy dishes. Before the vessel reached Havana, the supply of bread was cut off. This left the crew nothing but salt-pork, and between the dirty cook and the salt-pork the men had a hard battle for life. They complained also that they had been cruelly abused. On

reaching Havana, and while lying in port, the same fare was served out. The men asked to see the United States consul, and the captain, apparently assenting, brought on board a policeman, who handcuffed four of the crew, named John Waring, Frederick Miller, Michael McKenna, and Peter Berg, and took them on shore, the men submitting quietly, thinking they were going to see the consul. They were marched through the streets to the criminal prison, and there ignominiously thrust into a dungeon. This was on the 28th of June. Two days afterward the captain returned to the jail, and had all the men released except McKenna. The feelings of the men had become very much outraged by this treatment; so when they returned to the ship they drew up a petition to the consul, which they managed to send to him. The consul immediately summoned the captain before him, heard the evidence, ordered the captain to instantly send on board a supply of fresh provisions, and to provide for treating the men properly in the future.

The consul then went to the jail personally, and released McKenna, who very reluctantly returned to the brig. In the mean time a barrel of hard bread and a cask of salt-beef had been sent on board, which proved to be spoiled, and was heaved over the side. Three barrels of good beef were then sent aboard, and these were exhibited to those officials who had heard of the complaints, and who had come on board to inquire into their truth, to show that the consul's orders had been obeyed. The vessel then sailed for New York, where she arrived in proper time, after a passage marked by

the same inhuman treatment of the crew. The men did not desire to make a criminal charge against the captain, thinking it useless to attempt to get justice ; but they quickly changed their minds when they found that the captain and owners of the vessel had not deposited their hard-earned wages with the shipping commissioner. The captain was finally arrested, the usual examination was had, he was held to bail, and that was the end of the affair.

Thus I might go on and relate the cruelties practiced on the crews of the *Cutwater*, *Porto Platte*, *Morning Star*, *Surf*, *Victor*, *Mary Francis*, and hundreds of others, all of whose officers have, more than once, been before United States consuls and the Federal and Marine Courts, on charges of murder, cruelty, inhumanity, false imprisonment, *shanghaing*, supplying improper or insufficient food, etc. But it would be merely a repetition of the foregoing.\* One case is a sample of nearly

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\* As evidence of the constant recurrence of such barbarities as are described in this chapter, we copy the following account from the San Francisco *Alta California* for September 28, 1873 :

“The ship *Sunrise*, from New York, arrived in port about one o'clock yesterday afternoon. We take the following from her memoranda :

“‘On May 14, lat. 37° 50' north, long. 65° 56' west, Charles Brown, a seaman, was found missing ; native of France, aged twenty years. On May 19, lat. 33° 32' north, long. 54° 5' west, John Condliff was also found missing ; native of England, aged thirty-five years. On July 4, lat. 10' north, long. 47° 29' west, T. E. Carrigan (boy) fell from fore-yard over-board and was drowned. He was a native of Ireland, aged sixteen years.’

“She had scarcely cast anchor when she was boarded by sailor boarding-house runners, who ascertained during a brief stay that three men had



all the rest, differing only in severity. The frequent recurrence of these charges does not appear to arise from a sense

been forced to commit suicide by jumping overboard, as the only means of escape from the cruel treatment to which, it is alleged, they were constantly subjected by the officers of the ship. This story was strengthened by the fact that the second officer, Dennis Maloney, had escaped from the ship at the eight-mile buoy, took a Whitehall boat, and landed at Meiggs's wharf. Mr. Franklin, better known as 'Frenchy,' because he is a Frenchman, keeps a sailor boarding-house on Vallejo Street, and he boarded the vessel. He met a countryman on board, Charles Belle, who asked Franklin to take him ashore. Belle wore a thoroughly demoralized appearance. His face was black and swollen, dark semicircles were visible under his eyes, and these latter were red and sore-looking. His clothes were filthy, and his whole look told that he had been cruelly treated, and enlisted for him the sympathy of Franklin. This gentleman took him in his boat and rowed him ashore. The captain and first officer called on Franklin to return with the Frenchman, a request which was positively and emphatically declined. He brought the poor fellow to his house, changed his dress, and attended to his many wants. He was the only seaman who left the ship yesterday. They were not able to come ashore, as the *Sunrise* lies in the stream opposite North Point Dock.

"After the seaman had reached shore, and the cruelty of the officers was bruited along the city front, a general and very decided feeling of indignation was expressed, even among runners, and it would not have been safe for Maloney to put in an appearance about that time. He would be forced to stand some severe retaliatory measures or go overboard.

"A reporter of the *Alta* obtained an interview with Belle, the French seaman, late last evening, at Mr. Franklin's boarding-house. He is a young man, probably not more than twenty-one years of age, and his face and body bear undoubted evidence of the brutal treatment to which he was subjected. His statement is substantially as follows: The *Sunrise*

of immunity on account of any laxity in the administration of the laws for the protection of American seamen ; their fre-

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left New York on the 3d of May, Captain Clarke commanding. The first officer's name is Harris ; the second officer, Dennis Maloney ; and the boatswain's name is Kelly.

"The first day after leaving New York the first mate commenced to exercise a tyranny as cruel and unrelenting as it was barbarous and savage ; and continued this conduct until San Francisco was reached. The second mate, Maloney, did not beat, or in any manner cruelly treat the sailors, but often interfered to prevent the first mate from carrying his brutal punishment to extremes. The boatswain, Kelly, 'used to lick' the sailors often ; and the captain joined in this brutal conduct, which he tolerated, or appeared to tolerate, in the man Harris. The first officer made the men work until they dropped down through exhaustion. He would bring them out of bed at nights and compel them to walk on deck ; and if they did not keep moving, or perchance fell asleep as they stood or walked, he would tap them on the head with his clenched fist, a belaying-pin, piece of rope, or any thing handy. When he wished to awake them on other occasions, he used his ponderous boots freely, and the poor sailor's sides are an evidence of the fact. This used to be a regular thing, and all were treated alike. The captain struck the men occasionally, and knew well of the first officer's conduct, who abused the men in his presence, but not with his usual brutal severity.

"Two preferred death to the treatment they received ; and the third, weak and exhausted, after long and severe punishment, fell from the rigging and was seen no more. The first victim was Charles Brown, a Frenchman. His countryman says he knows not how he was lost. He was to have been on watch between eight and twelve o'clock P. M. ; he was called every where, but he answered not. The first mate 'licked' him two or three times every day ; made him work twenty out of twenty-four hours ; would throw him violently on the deck and kick him. It was after

quency is, in a great measure, due to the fact that many of these brutal officers are well aware of the defects in the Act of 1835,\* which requires seamen to prove—

\* See Appendix A, note 3.

all this terrible punishment had been inflicted upon him, and after he had been compelled to stand motionless on deck for twenty-four hours without food or water, that he abandoned the *Sunrise* and his life, and sought relief in the unfathomable depths of the ocean.

“John Condliff is also reported missing. Condliff was treated with the same cruelty as Brown—even worse. He was not allowed to sleep in the forecastle, but was put under the top-gallant forecastle, with hogs for his companions, where he was compelled to sleep for fifteen nights previous to the night he is reported missing. What a terrible crime! How it cries to heaven for redress! The man was half demented from suffering—from cruel treatment—from whipping, kicking, walking, working, little food and less sleep—when, to escape from a life made miserable beyond endurance, he employed the little strength he had left to end his existence.

“The third victim, T. E. Carrigan, was a young man, twenty years of age, or perhaps less. He was the especial object of the hate and brutality of the first mate, Harris. He was, after the usual daily kicking and bruising with rope and club, forced to stand on deck twenty-four hours without eating or sleeping, after which he was sent on the top-sail yard, from which he fell, through weakness and exhaustion, and was lost. Belle did not see Carrigan fall, nor did he see any of the missing disappear. They disappeared, and nothing more was thought of them.

“The sailor repeated many lesser acts of brutality, enormous in themselves, but, beside the more despotic cruelty of forcing these men into the arms of death, small and insignificant. He often told them that they would never reach San Francisco, and that he would compel them to jump overboard. When the men were weak and fatigued, from the combined effects of punishment, want of rest, and labor, he would order them aloft, and then

1st. That the punishment complained of was "cruel and unusual."

2d. That it was inflicted from a feeling of "malice" and "hatred," and for purposes of "revenge."

It is simply an impossibility for abused seamen generally to prove all this. In several instances, where ship's officers have been convicted of cruelty to seamen, the heaviest punishment

try to throw them from their places by letting the halyards go, and other devices. Our informant was kept for thirty-six hours scraping the deck, and when, exhausted and sleepy, he was not able to use the scraper with his usual force, the first officer, Harris, took it out of his hand and struck him with it on the head. The seamen were kept thirty-six hours without food, and never got more than four out of twenty-four hours' sleep. They were, to use his own expression, 'all licked fearfully.' His body, arms, and face bear undoubted evidence of cruel punishment.

"The fact that the second mate, Maloney, abandoned the ship before coming to anchor, led to the strong suspicion that he was the party guilty of this terrible cruelty. But it appears from Belle's statement that he was kind, and by his interference saved them from the tyrannical, rascally cruelty of the man, or monster, Harris. The captain and Harris 'growled' at him because he was not cruel, and did not make the men work more. He never injured any one during the voyage, and Belle is at a loss to know why he left the ship so suddenly, unless he wanted to escape from the others.

"The case calls for immediate and strict examination. Men forced overboard by cruelty! The very idea suggests the appropriateness of a particularly hot corner for the perpetrators of the crime. We do not accuse Harris of so terrible an act; we give, as a matter of news only, a statement made in the presence of others. If Harris and Captain Clarke are innocent, they owe it to themselves to prove it; and we hope, for the sake of our American marine, that they can do so."

provided by law has been inflicted upon them. Such men disgrace a noble profession ; their conduct attaches odium to the very name of American ship-master. At sea there is no barrier to check their fiendish fury ; the polished mask of urbanity and politeness assumed on shore is there rudely thrust aside, and then the hideous features of the fiend, in all their deformity, stand out in bold relief, striking terror into the souls of the poor, unprotected seamen. When out upon the ocean, the entire responsibility, the whole control of ship, crew, and cargo, is centred in one man—the captain. He guides the destinies of the ship ; the safety of all on board depend on his discretion and sound judgment ; to his care is frequently confided enormous wealth, and many valuable lives. Now when this man, so trusted, so confided in, turns his vessel into a floating Inferno, and transforms himself and his subordinates into demons, compelling his men to labor when unfit (as in the case of the *Neptune*), heedless of their agonizing cries and sufferings, driving them to suicide (as in the case of the *Matterhorn*) by horrible punishment ; when seamen are shot down and cut down and hung up (as they were on the *Matterhorn*), it is time such doings had the broad light of day flashed upon them with full force and effect. If these inhuman sea-monsters can not be *legally* imprisoned or punished ; if they can not be “whipped naked through the world,” they should at least be met with the scorn and contempt they so justly merit, from every honest man, for their brutal conduct.

It too often happens in these cases that the only evidence

for the prosecution is that of the seamen themselves, and this is frequently set aside by the influence of interested parties; or the trial is postponed from time to time, until the necessities of poor Jack compel him to accept the offer of some well-paid shipping-master, and go off to sea on another voyage. If the law covering all such cases as cruelty, insufficiency of food, etc., was amended so that the evidence of sailors taken on the first examination could be used against the accused, and thereby dispensing with the personal presence of the accuser, more convictions would result, much to the good of mankind, and to the terror of brutal officers. One thing is certain, American seamen are suffering horrible cruelties; and it is absolutely necessary that some more stringent measures should be adopted by the United States Government to put a stop to this hideous reign of terror now ruling the decks of our sea-going vessels, and by which a sailor's life is made one of continual torture and insecurity. Let it become a well-settled fact that, if sea-captains practice, or allow to be practiced, cruelties on their seamen when at sea, they will be severely dealt with when they enter port; carry out the laws now on the statute book; amend or repeal defective laws; allow the evidence on the first examination to be received against the accused—all this will go far toward abolishing such cruelties as I have herein attempted to describe. The first step toward such a measure should be the repeal of the third section of the Act of Congress approved March 3, 1835, entitled "An Act in Amendment of the Acts for the Punishment of Offenses against the United States." If thought to be injudicious to

wholly repeal said Act, then let it be so amended as not to require of the poor, ignorant sailor an impossibility—*i. e.*, to prove, before conviction can be obtained, that the punishment was *unusual*; or that he was punished with *malice*, *hatred*, or for *revenge*. Punishment may be of a very cruel character, and is, at sea, and yet it may be, and is, *usual*; therefore it can not be proved *unusual*, as it is the common or usual treatment of sailors. He should not be required to prove that the officer who punished him entertained *malice* or *hatred* toward him, or that the punishment was inflicted for purposes of revenge. It is impossible for us to read each other's minds; therefore the poor sailor can not tell what were the motives of the officer who cruelly beat him, or otherwise punished him. In a majority of cases there is no other motive than a selfish gratification of a devilish passion to beat, wound, or mark a fellow-man—a mere wanton abuse of power. The law should be so amended that conviction will certainly follow, when it is made evident to a jury that the seamen have been cruelly treated.

If something of this kind is not speedily done, the seamen navigating American vessels will in a few years be entirely foreigners; after which it will not be many years before our whole commerce is in the hands of foreigners—as, indeed, much of it is already—the great bulk of American trade being now carried in foreign bottoms. In the mean time, for the interests of humanity, I would most respectfully but earnestly suggest that societies be established in all our seaport cities by philanthropic persons—by all who love their

fellow-men—by all who sympathize with the down-trodden, the poor, and the abused ; to all such I would suggest the establishment of societies “ For the Prevention of Cruelty to Sailors.” Such societies could not fail to do good ; they would soon receive pecuniary aid and endowments from the many wealthy men and women of our country who feel for the poor sailor. They should employ the best legal talent and counsel to be obtained. One or more of the members should go on board every American ship that enters an American port, and then and there inquire of the seamen personally, aside from the officers, as to their treatment ; hear and take down their names, complaints, and witnesses ; and whenever a case of cruel treatment, or of furnishing insufficient or improper food, is found, take charge of the seaman, and prosecute the officers to the full extent of the law. Power to do this could readily be obtained by action of the State Legislatures. Of course, the members of such societies who did their duty would constantly come in conflict with bad men, and meet with opposition from well-meaning men ; but they would be sustained by the highest sentiments of the community, by the knowledge that they were engaged in a noble work—the protection of their fellow-men. It will not be long before such societies are established, nor long after their establishment that poor Jack will cease to suffer one needless pang. The influence of such associations would be felt for good in all parts of the civilized world, and this would appear by the organization of similar societies in foreign sea-ports. As an evidence of the good they might do, and the wholesome fear they would in-



spire among brutal officers, I will state a well-known fact, that *one* so-called "Seaman's Lawyer" in New York, and *one* in Boston, are more feared by these creatures than the whole bench and bar besides. The establishing of such societies would be a noble addition to the good work already done by the Young Men's Christian Associations, or the Seamen's Friend Societies ; or, perhaps, the good Mr. Bergh and his disciples, who are so nobly engaged in preventing cruelty to the lower animals, might include poor Jack in their list. I can assure all who enter on this humane work that they will have the hearty, earnest, and able co-operation of every American ship-master and ship's officer who is worthy of the name, for the reason that the worthy officers of the service suffer much obloquy through the actions of those who practice such cruelties as we have exposed.

## CHAPTER IX.

Mutiny and Self-defense.—Sailors may Depose the Captain and take Charge of the Ship when Cruelly Treated.—Cases.—Courts and Juries Lenient in Cases of Self-defense.—Captains not all Bad.—Sailors not Angels.—Letter from a Ship-owner.—Cases of Bad Sailors.—Sea Lawyers Afloat and Ashore.—Sailors' Importance.

SEAMEN are frequently charged with mutiny by their officers when a rigid investigation reveals the fact that they were only defending themselves from cruelties practiced upon them by the latter. It would appear, from the treatment to which sailors are subjected, that ship-masters and mates deem the sailors beyond the reach of the first law of nature—self-defense. Ship-masters appear to think, and many of the sailors themselves imagine, that, if they resist the captain or mate *in any way*, they are liable to the serious charge of mutiny. This, however, is not the case. A charge of mutiny can not be sustained when it clearly appears that the resistance to officers is occasioned by cruel treatment. The seamen may depose the captain or mate, or both. They may confine them to the cabin, if these officers cruelly abuse the sailors, or otherwise grossly conduct themselves, and the courts and consuls of the United States will sustain the sailors in their action. There are several instances of such cases on record. I will allude to a few only.

In the case of the *United States vs. Sharp*,\* wherein the mate and seven of the crew were tried for mutiny, it appeared in the evidence that Captain Risborough, of the ship *Letter of Marque*, while at sea, drew a pistol, pointed it at one of the sailors, and snapped it at him ; the pistol failed to go off, and then the captain struck the sailor on the head with it. Seeing this, the crew revolted (mutinied), and refused to do any further duty. They were so outraged by this act, and doubtless by other acts of the captain, that they threatened to throw him overboard. With this intent they rushed at him, but he retreated aft. Had the seamen laid their hands upon him, they certainly would have done him injury, and perhaps carried out their purpose of casting him overboard. But the mate, Mr. Sharp (who in this case appears to have been liked by the men), by his interposition saved the captain's life. He begged the men to desist, and while he did not venture to uphold the captain's lawlessness, he managed to restrain the fury of the sailors. In the mean time the captain had retreated to the cabin, and the sailors held an impromptu meeting on the deck, where it was determined that the captain should be deposed from his authority, and that he should be confined to his cabin during the remainder of the voyage. The companion-way was closed, and a sentinel was placed at the entrance to prevent the captain from coming on deck. The sailors then took charge of the ship, placed the mate in command, and the vessel was safely brought into port. Upon her arrival the captain brought a charge of mutiny against the

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\* See Peters's C. C. Rep., p. 118.

mate, who had saved his life, and seven of the crew; but the charge was not sustained. Judge Washington, before whom the case was tried, charged that the sailors had acted in *self-defense*—protecting themselves against the cruel conduct of a brutal captain—and the sailors were promptly acquitted.

Also, in the case of the whaling-ship *Huntress*, United States *vs.* Borden and eleven others, before Judge Sprague, where it was proved that the sailors, provoked by the cruel treatment inflicted on them by the captain, deposed him, took charge of the ship, and brought her into port, the judge charged that the seamen acted in *self-defense*, and they were acquitted.

A more recent case, in a foreign port, was that of the American whaling-bark *William Gifford*, which put into the port of Papieti, Society Islands, in the month of May, 1872, in charge of the crew. It appeared, upon an investigation by the United States consul, that the captain had cruelly abused and ill-treated the men, and otherwise misconducted himself, wherefore the crew had revolted, deposed the captain, confined him to his quarters, and, taking charge of the ship themselves, had navigated her into port. There being no doubt in the consul's mind that these statements were true, he promptly and very justly discharged the crew, setting them free from all responsibility, since they had acted in *self-defense*. He then placed another captain in charge of the ship, and sent her to San Francisco, that being the nearest port in the United States.

A much more serious case was that of the brig *J. L. Bowen*, which left New York on the 28th of May, 1871, bound to Gibraltar and Cadiz. She was commanded by Captain J. O.

Amesbury, aged about fifty years, and her crew consisted of mate, second mate, steward, and carpenter (white men), and six colored men. On the sixth day out—*i. e.*, on the 3d day of June—the *Bowen* was sighted by the steamer *Europa*, and the brig was flying signals of distress. The *Europa* immediately bore down upon her; and when within a cable's length, the cook and one of the sailors of the *Bowen* boarded the *Europa* and requested assistance, stating that the crew had revolted and murdered the captain. The first officer of the *Europa* then went on board the brig, and there he found Captain Amesbury lying dead in his cabin, his skull having been split open, and the first mate of the brig stretched senseless on the deck. The second mate's arm was broken, and two of the crew and a passenger were much injured. The first officer of the *Europa* took charge of the brig, and brought her back to New York.

In the course of the examination and trial, the following facts were elicited: It appeared that the mate, a Mr. Sleeper, began to strike and abuse the men without cause, and called them vile names while they were at work. Seaman Antoine exhibited a cut on his head, which he said was caused by the mate. Seaman Roach was seriously injured in the arm. Seaman Thomas stated that he killed the captain, and that he did it in *self-defense*. Mr. Sleeper, the mate, testified as follows: "While the anchors were being stowed, one of the crew disobeyed orders. I then threw a piece of board, weighing about three pounds, at him. The captain, hearing the row, came out of the cabin, and told me not to take any back

slack from the 'niggers.' The men then set upon the captain and myself with capstan-bars, split the captain's head open, and knocked me senseless to the deck. The men were good seamen, obedient and willing, up to the time of the fracas."

The charge against the men was "Mutiny and murder on the high seas ;" but they were promptly acquitted by the jury, and released by the court, thus clearly demonstrating that public sentiment is strongly opposed to the brutalities practiced on shipboard. If seamen only knew their rights under the law, they would see that, in all such outrageous cases as those of the *Fearless*, *Bengal*, *Neptune*, *Old Colony*, and *Matterhorn* (alluded to in the preceding chapter), they would be perfectly justified in deposing the brutal officers, confining them to their cabins, and bringing their ships into port themselves. We are taught on shore that a man is entitled to take advantage of "the first law of nature"—*i. e.*, self-defense. A sailor is not debarred from exercising the same right. The sailor has even more cause to defend himself at sea than the citizen on shore, for on the land the citizen may find legal protection ; but there are no constituted authorities at sea to aid the abused seaman. Before proceeding to such extreme measures, it is necessary that seamen should have sufficient cause ; otherwise a conviction on the very serious charge of mutiny or conspiracy, with all its penalties, awaits them. No jury of sensible men would have convicted the crews of the *Fearless*, *Bengal*, *Neptune*, *Old Colony*, or *Matterhorn* of mutiny if they had risen against their officers, deposed them from command, and then brought the ships into port. These are *facts*

worthy of very grave consideration on the part of captains and mates.

I do not intend, by the remarks made and the incidents and facts related in the preceding chapters, to prejudice the reader against American ship-masters, or to create the impression that all are corrupt, profane, and cruel. And to forestall any such prejudice, I will here take occasion to repeat what I have already said in another part of this work. I have found some as good men as I have ever known—moral, honest, humane men—men of principle, honor, and courage—in our merchant service. I state this with a feeling of pride. I have known captains who were an honor to their profession, whose conversation was intelligent and instructive, and listened to with profit by all who had the pleasure of their society.

At the same time, it must be stated that sailors are not angels, afloat or ashore. Some of the very worst specimens of mankind are to be found among our sailors. In consequence of the fact that the inducements held out do not tempt native Americans to become sailors, our seamen belong to all nations. I can not better illustrate this fact than by inserting here a letter received by me, while consul, from one of the largest ship-owners of Boston. I had taken a mate out of one of his ships for cruelly beating the sailors, and had called his attention to the fact. His statement of the difficulties which beset ship-owners is perfectly correct, but these difficulties may be somewhat modified by the appointment of "shipping commissioners" under the Act approved June 7, 1872.

"BOSTON, *Monday, October 9th, 1871.*

"J. GREY JEWELL, Esq., U. S. Consul, Singapore :

"*Dear Sir,*—I take pleasure in acknowledging the receipt of your favor of July 13th, advising me that you had been obliged to discharge the mate of my ship *Charger* for abusing seamen, and I am much obliged for your frankness and attention in advising me.

"With commerce depressed and no inducements for young men to enter the merchant service, we are much perplexed and troubled to obtain seamen and officers. Our system is very bad and annoying ; we are dependent on a class of beings known as 'shipping-masters,' who swindle the men and impose on ship-owners. *One half of the crews shipped are thieves or loafers*, who have never been to sea, and are put on board drunk ; and as we have no laws requiring certificates, or any competency, we are continually imposed upon in this way,\* and our ships and cargoes jeopardized thereby. When captains and officers see the men that are shipped as able-bodied seamen, that they are inefficient and incompetent, they doubtless sometimes exceed the bounds of propriety ; but my experience is, we seldom receive from sailors what we pay for.

"Having been largely engaged in commercial pursuits for the past twenty-five years, I have taken great pride and interest in having fine vessels, with the best captains to be obtained, and no vessels in the world are better outfitted. We

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\* The new law prevents drunken sailors being put on board, and requires certificates of competency. See Appendix A, note 13.



never have any complaints when these vessels come home—our troubles are all elsewhere.

“In this case of the mate of the *Charger*, it seems to me hard that the owners of ships should be responsible for the ill-doings of the mates. In this case the mate should be responsible in damages for abusing a sailor; but he goes free, and we have to pay three months' wages for his abusing a seaman! 'Tis a strange anomaly in commercial pursuits, and not applicable elsewhere.

“I am indeed much obliged to you for your fairness in advising me respecting the same, and I doubt not you did for the best; but I think you'll agree with me that our laws in such matters are not just or to be appreciated. Owing to the extreme depression in commercial circles here, I am obliged to compete with foreign commerce in order to run my ships. I don't know of so particular a man in this country, in the construction, appointments, officers, and outfits, as myself; and, with all my endeavors for the best, it grieves me to find that a wrong has been committed, as you communicate. I have many vessels calling at Singapore every year, and I shall be much obliged, and consider the same a special favor, by your advising me frankly of any trouble, as in this case. I should not have believed the same except through your courtesy. I've seen so much *ill* from sailors, and so little good, that I seldom place any reliance on their reports, and this opinion is the consequence of many, very many favors shown and done for sailors; and there is not one instance where I've not been deceived and ill-treated. Time and

again I've advanced them extra pay, and they have always run away.

"With many thanks for your kind attention, I am very respectfully yours,  
H. H."

The statements herein made, as to the general worthlessness of sailors, are correct ; but that is caused in some measure by the treatment they receive, and the utter lack of interest in their welfare on the part of ship-officers and ship-owners generally. It is nevertheless true that, if a boy is incorrigible or unmanageable at home, his parents or guardians send him to sea, before the mast, for the purpose of having him conquered ; not reflecting that the remedy is worse than the disease, and that it is almost impossible for the boy to learn any thing good, in the line of morals, in a ship's fore-castle. If a man is a loafer, a drunkard, a thief, or a "ne'er do well" of any kind, he selects the sea as his profession or mode of escape from the land and its restraints. A naturally corrupt man or boy becomes more corrupt by participating in fore-castle life. Thieves, pickpockets, burglars, and murderers are frequently to be found in a ship's fore-castle as part of her crew ; they ship to escape the penalty of their crimes. It is not to be wondered at, therefore, that we hear of sailors setting fire to the ships they are in, when out on the ocean, not regarding their own lives, or those of their shipmates or officers ; or of their attacking the officers, and attempting to take the ship for piratical purposes.

Here is a sample case of the terrible passions that influence some of our sailors :

On the afternoon of the 29th of May, 1871, the American brig *Lizzie Kimball* arrived at Bonaire, West Indies ; on the 1st of June, two days after her arrival, the crew began to take in salt as cargo ; the captain went on deck, and was there accosted in a very rude manner by the steward, who inquired—

“When will the consul come on board?”

“I have sent for the consul,” replied the captain ; “but can not tell when he will arrive.”

The steward then assaulted the captain with a club, striking him several blows in the face and on the head, and then endeavored to throw him overboard. Soon the mate came on deck, and interfered. The steward then attacked the mate, and the captain, stunned and bleeding, retreated to the cabin. The mate begged the steward to desist, but he would not. Another sailor now joined the steward in his attack on the mate, and by the efforts of both the mate was pushed and dragged into the pantry, where the steward seized a large bread knife, and with it stabbed the mate, killing him almost instantly. The two sailors then began a work of destruction, by throwing overboard every thing they could lift. They cut the rigging into small pieces, broke the chains, and finally set fire to the ship,\* burning the forecastle, galley, etc. The harbor police now came on board, suppressed the mutiny, put the mutineers in irons and carried them ashore, where they were properly punished.

When a man commits a crime, and is fearful of detection, or is fleeing from his pursuers, he ships, if possible, on board

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\* The punishment for the crime of arson at sea is death.

some vessel about to leave port, whithersoever bound. From the above case (and there are many similar ones), it may be seen that a ship's officers have often to deal with the most desperate characters. It requires a man of strong will and great courage to master such men. If the captain is a "milk-and-water" sort of man, the crew are quick to discover his failings, and not slow in making improper demands of him, and in virtually getting control of the ship, unless the mate proves to be a man of nerve. Hence ships' officers should be men of great physical force and steadiness, with firmness of will and *self*-command ; they should be men of unshaken courage in personal danger, and great endurance under suffering, otherwise they are not fit to command men. Even among the best of ships' crews, there is generally one or more discontented, chronic grumblers, who set all the rest of the crew by the ears, or to quarreling with one another, and cause them to defy the officers, and refuse compliance with their legitimate orders. There are occasions when the members of a ship's crew require punishment. Sailors are men, and must be treated as men ; but we all know that men must be taught obedience, even if force has to be used. We see this every day in the armies and navies of the world, and in the laws governing all civilized communities. The laws of the United States of America are very defective in not prescribing the proper punishments to be administered to recusant seamen in the merchant service. As they at present stand, the officers of a vessel are entirely without *legal* power to punish seamen for minor offenses, such as drunkenness, petty dishonesty, neglect

of duty, refusing duty, disobedience of orders, insolence, sleeping on watch, overstaying leave, etc.\*

A recent case of outrageous conduct on the part of sailors is that of the ship *Charles H. Marshall*, which arrived at New York in September, 1872. This vessel had on board a large number of emigrants, among them several families of Polish Jews, and these poor people suffered great cruelties and indignities at the hands of the sailors. They were insulted, robbed, beaten, and starved. In the course of the examination before the Commissioners of Emigration, evidence was given which established all these charges against the crew. Flying from the misery, wretchedness, and oppressions of Europe, the poorer classes are compelled to trust themselves on board sailing-vessels, and there they are sometimes exposed to the brutal violence of the lowest class of sailors. In this case the poor Jews were made the foot-balls of the crew, many of them were knocked down and beaten by the sailors, and one of them was held by his heels over the ship's side, in great danger of falling into the sea, until he was almost suffocated. The officers of the ship had no control over the men—in fact, they appeared to join with them in their persecution of the Jews, and it was proved that the mate, Forrester, knocked one of them down. Unfortunately, the state of the law placed it out of the power of the United States Courts to punish these scoundrels as they deserved. Had the same assaults been committed on land, the perpetrators would quickly have been consigned to the peni-

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\* This is provided for in some measure by the Act approved June 7, 1872.

tentiary ; but, on account of the unsettled and unsatisfactory state of international law, such outrages can be committed at sea without fear of punishment. It appears to be almost impossible, owing to our defective laws, even when the officers are themselves of good character—which is by no means always the case—to preserve discipline among the lower class of sailors. A ship-master runs considerable risk of fine and imprisonment when inflicting, or ordering to be inflicted, *any* punishment on a seaman. The courts will justify a master in punishing a seaman who disobeys legitimate orders, neglects his duty, refuses duty, or sleeps on his watch, so long as the master keeps within proper bounds ; but if the seaman is inclined to give the master trouble, he can do so by bringing actions at law for cruel treatment, damages, etc., requiring the master to give bail for his appearance, and in this way often break up his voyage, causing serious loss from “the law’s delay,” besides the annoyance and injury to character. Sailors have been known to conspire together during a voyage to bring charges against the officers at the completion of the voyage, so that, if it ended in a foreign port, they could obtain, if discharged, three months’ extra wages ; or to get damages, if it ended in a home port. In such cases sailors will forswear themselves. It is a common saying among ship-masters, that “Jack would swear his head off to hang the captain.” Instances have been known where sailors have banded together and shipped in a vessel, determined to bring about a difficulty between the officers and themselves, so that they might beat the officers, against whom they had taken offense, with or with-

out cause. To meet such characters the captain must be at all times prepared, or pay the forfeit, perhaps with his life.

It is the opinion of some of our leading merchants and ship-masters that the principal cause of the impossibility of finding a good class of men for the American merchant marine is due, in a great measure, to the destruction of American shipping interests caused by our late war, and by the oppressive legislation which has closed a professional career to men of intelligence and good conduct. But I feel confident that *one* of the principal reasons why a good class of native American seamen can not be found to man our ships is that Americans will not put up with the cruelties and brutalities practiced on seamen aboard our vessels. At present, seamen of all nations crowd our ports, and from this motley gathering the crews for our ships have to be selected. This circumstance exercises an important and baneful influence on the character of American sailors; but we must not hastily conclude that these facts offer sufficient explanation of the tyranny and disregard of their rights to which these unfortunate men are exposed. The blame is to be laid on the want of stringent laws, which would protect the master from the men, the men from their master, and the emigrant or passenger from both. There are, no doubt, many bad and corrupt sailors, perfect ruffians, who know the laxity of our laws, and take advantage of this knowledge whenever the discipline of the ship is not sufficiently severe to restrain their brutal instincts. It is therefore to the interest of all that safeguards should be created to shield the helpless from the attacks of the evil-disposed.

Once make it clear to the mind of the ruffian, be he officer or seaman, that he will be held strictly responsible for his acts, and we shall be spared the disgrace of such scenes on American vessels as occurred on the *Old Colony*, *Neptune*, and others, where the officers brutalized the seamen ; or on the *Lizzie Kimball*, *J. L. Bowen*, and *Charles H. Marshall*, where the seamen murdered and abused the officers and passengers. Humanity and expediency alike demand that our marine laws should be amended in these respects, as this is an evil that calls loudly for redress.

In a ship's fore-castle, as before said, there are generally some chronic grumblers, and among them may always be found a marine curiosity called a *sea lawyer*. This creature, while he keeps well in the background, obscured from observation, is the leader or promoter of considerable trouble between the officers and men. He is one of the crew, of course, but he is very cunning and mischievous. He seduces the others from their allegiance, sows the seeds of discontent, perverseness, and revolt, and frequently succeeds in bringing about a mutiny. This species of sailor has by some means obtained a smattering of legal lore, which he never fails to display to his associates as occasion may offer. He has managed to be discharged so often by consuls abroad, that he knows exactly what to do, or advise others to do, to bring about that desired result. He has generally had several ship-masters brought before the courts, and is therefore familiar with the rulings there. The sea lawyer is the idolized oracle of all poor, abused, disaffected sailors aboard ship. He slinks



about the fore-castle, assuming an air of superiority and injured innocence, intimating quite plainly that reverse of circumstances only made *him* a sailor. Poor Jack places implicit confidence in his shipmate—the sea lawyer—and is frequently brought to grief by following his instructions. In rare instances these men do good by teaching seamen some of their rights under the law; but, as a rule, they do not have a correct understanding of all the bearings of the laws, and therefore are liable to do much harm. It is scarcely necessary to say that these sea lawyers are the aversion of all ship-officers.

While speaking of sea lawyers, I am reminded that there are some members of the legal fraternity on shore who appear to think that poor Jack goes to sea expressly to make money to pay them fees. If a sailor have a case in court, they manage to be engaged by him, and to get a retaining fee; thereafter the case can take care of itself. We have in American vessels about three hundred thousand seamen, and most of these are robbed daily, from the moment of their landing until they sail again. Several instances have occurred recently in New York, whereby sailors have been robbed by these villainous specimens of an honorable profession. Two sailors were lately brought before Judge Bedford, in the General Sessions, charged with grand larceny. They stated to the judge that they had signed their wages—about fifty dollars—over to a lawyer named Anderson when they were first arrested, fourteen days before, and had not seen him since. The lawyer, Anderson, had promised to attend to their case for them, and

they had given him an order on the captain for all they had earned, and since then they had not seen the lawyer, and he had done nothing for them. District Attorney Fellowes brought the matter to the attention of the court, denounced such conduct, and stated that it was a growing evil, and that a vast amount of swindling is done in the manner here described by a class of disreputable lawyers. Judge Bedford stated that he was determined to put down all such practices; and he thereupon sent the sailors before the Grand Jury, then sitting, to tell their grievances, and have a bill of indictment found against the lawyer who had swindled them.

Another so-called lawyer, named Rouan, arrested a poor colored sailor, named Pinder, in New York recently. Pinder had just returned from a long voyage, as cook of the ship *Princeton*, and had served on her for many months, conducting himself with propriety, and had not the slightest idea that he had done aught against any man. When the crew were discharged, Pinder went with the others to the ship-broker's office to get his pay; and after he had received the money, and just as he was leaving the office, he was accosted by Rouan, who wore a policeman's shield—

"I have a warrant to arrest you," said Rouan, "and you must consider yourself a prisoner."

"What do you arrest me for?" asked Pinder. "I haven't done any thing wrong, and I won't go with you."

Immediately three other men joined Rouan, and they all began to drag poor Pinder along. He resisted, and demanded to see the warrant, when Rouan pulled out of his pocket a

bundle of papers, and showed what purported to be a warrant against Pinder for "Assault and battery on the high seas." This paper had a seal attached to it, but was not read to Pinder; and he was ordered to walk along, and not to ask any more questions. Pinder now became very much frightened, and sent for a colored-sailors' boarding-house keeper named Thompson, who, it afterward appeared, was in league with Rouan and the others to extort money from him. The whole affair was planned to deprive a poor sailor of his hard-earned wages. Of course, Thompson readily responded to Pinder's call; and, after a whispered conversation with Rouan, he and Pinder stepped aside to converse privately a few moments:

"Now I'll tell you what it is," said Thompson to Pinder; "you'll be 'rested shuah, if you don't give these men twenty-five dollars."

"Twenty-five dollars for what?" queried Pinder. "I hasn't done nothin', and I won't pay nothin'; I ain't guilty of this 'ere charge."

But Thompson and Rouan so worried, pestered, and frightened poor Pinder that he finally paid Rouan twenty-five dollars of his hard-earned money, fearing that if he did not do so he might be locked up for the night. This money was afterward divided between Rouan and Thompson.

In the course of the next day Pinder happened to state his case to some intelligent friends, making free remarks as to the course of law meted out to poor sailors in New York. His friends intimated to him that he had been swindled; and by their advice Pinder had Rouan arrested on a charge of

extorting money from him under false pretenses. Rouan was duly tried and convicted before Judge Dowling, and sentenced to the penitentiary for six months. When pronouncing sentence, the judge said: "There is no class of men more entitled to protection than sailors—they are worked fearfully, and get little pay; yet there is not a ship that enters New York harbor which is not boarded\* by a pack of rascals, who go to see the names of the men, and what amount of money is due each of them. They then immediately go and obtain search warrants, and arrest them. There is a regular gang of these swindlers. I have had fifty complaints of this sort, where poor, simple sailors have been left without a cent. I and my associate are determined to stop it. The sentence of the court is that you, Stephen H. Rouan, be sent to the penitentiary for six months, and pay a fine of fifty dollars."

Sailors are a most important class of men, visiting as they do all lands and climes, and returning with their various products:

"He brings the gem for the king's crown;  
He brings the silk for the queen's gown."

The ship is his chariot and weapon, for in it he rides, and with it he cleaves the waves, which are his foes. The sailors on steam vessels are generally a better class of men than those on sailing-vessels, perhaps because they are better cared for. Those on steamers will frequently make several voyages in the same vessel, while those in sailing-vessels seldom go more than one voyage in the same ship. Sailors are poorer, and

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\* This is now against the law. See Appendix A, note 4, sec. 62.

disease is more prevalent among them than it was ten years ago. They look upon their lot in life as a miserable one, and at least two thirds of them would gladly pursue almost any other calling. There is a saying among them that "Flying-fish are always in trouble ; for when they are in the water, they are pursued by large fish, and compelled to fly into the air ; they are no sooner in the air than some sea-bird pounces down upon them, and either gobbles them up or compels them to take to the water again." This they apply to themselves, and very correctly, as will be seen by the foregoing facts.

## CHAPTER X.

The New Shipping Act.—Reciprocal Duties of Masters and Consuls.—Case of the *Ida Lilly*.—Consuls' Certificates.—Points of Law.—Deserters.—Punishments.—Forfeited Wages.—Masters must Patronize Consuls.—Expenses of Complaints.—Sending Seamen Home.—What is an "Arrival?"—One Month's Wages.—Hints.

THE new Act of Congress, which went into effect August 6, 1872, founded, to some extent, upon the British Shipping Act, and a great improvement upon all that have preceded it, was got up by the Seamen's Friend Society, and first introduced in the Senate by Senator Cole; but it is by no means perfect. By this Act all vessels clearing from ports in the United States, and belonging thereto, shall ship their crews at the office of the Shipping Commissioner, who is appointed by the judges of the Circuit Court. This will, in a great measure, destroy the business of the infamous sailors' boarding-house keepers and self-appointed shipping-masters. No unsound, unhealthy, or intoxicated sailor can be shipped when sailors must be paid off in presence of the Shipping Commissioner, and must have a certificate of character, capacity, etc. In New York, the office of the Shipping Commissioner is in a new building on Cherry Street, known as the Seamen's Exchange. In this building there are a seamen's savings-bank, a reading-room, a chapel, and a lecture and concert room for

the use of sailors, be they captains, mates, or seamen. In my visits to this place, I found the business of the offices running smoothly, and the sailors well satisfied. The ship-captains with whom I conversed were delighted with the new arrangement, for by it they can get much better men, and will be enabled to judge in advance as to the character of their crews. The sailor boarding-house keepers have set themselves against the new law, as it virtually abolishes their business. They have, since the new law has gone into operation, combined together to prevent sailors shipping, by drugging them, boarding them free, and threatening them ; but this defiance of law can not last, and all resistance will soon pass away. The Act is the best that has, as yet, been passed for the protection of American seamen ; and when amended, so as entirely to do away with *shanghaiing*, cruelties, etc., will go very far toward liberating the sailor from his tormentors, and advancing the interests of American commerce.

The shipping commissioners in home ports discharge, as far as sailors and ships are concerned, the same duties as devolve upon United States consuls. Great ignorance prevails among ship-captains and sailors regarding the duties and powers of consuls, and I now propose to give some explanation of them.

When an American vessel *arrives* at a foreign port, it is by law made the duty of the master to deposit his ship's register, shipping articles, etc., with the consular officer,\* and unless he does this, he is liable to a fine of five hundred dollars.

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\* See Appendix A, note 9.

All consuls are required to receive and receipt for, and retain in some safe place, all such papers until payment shall have been made of all demands on account of such ship or vessel. When all the consul's demands are paid, the consul must deliver the papers again to the master, provided the master exhibits to the consul a clearance from the proper officer of the port ; otherwise the consul may retain the ship's papers.

The Attorneys-General of the United States have given it as their opinion that the production of the clearance to the consular office gives the master the right to demand a return of the ship's papers, and makes it the duty of the consul to return them to the master ; but the proviso of the Act of 1803 allows the consul, notwithstanding the production of the clearance from the port officer, to detain the ship's papers until all fees due the consul, and all wages and extra wages due the seamen, are paid, and until the master has taken on board, at the consul's request, destitute mariners for transportation to the United States. By the same Act it is made the duty of the consul, if the master should neglect to deposit the ship's papers, to inform him of the necessity of so doing, and apprise him of the penalty he will incur by his neglect ; and if the master after such notice fails to comply with the law, a certificate of the fact, under the seal of the consulate, ~~must be immediately sent to the Department of State at Washington,~~ giving a description of the vessel; her name, the port to which she is bound, and the name and residence of the master, when it becomes the duty of the Department to enforce the penalty. As a case in point, where the



consul retained the ship's papers because the master refused to comply with his legal demands, I will state that of the ship *Ida Lilly*, seized by the collector of customs at New Orleans for violating the laws of the United States in regard to the employment of seamen. It appeared that the *Ida Lilly*, on her voyage from New Orleans to Cardiff, in 1870, had a crew of seamen to whom thirty dollars per month wages were to be paid. The master, upon his arrival at Cardiff, thought proper to discharge the crew (notwithstanding they had signed the shipping articles for the return voyage), because he could obtain men at Cardiff for fifteen dollars per month. The crew, as usual, presented their case to the United States consul, who took official action in the case, and informed the master that he would retain the ship's papers until the men were properly discharged and paid their three months' extra wages. The master did not regard this warning, but proceeded to ship a new crew, utterly ignoring the authority of the consul. The ship's papers, detained by the consul, were afterward sent to the Department of State at Washington, with a full statement of the whole matter. The vessel returned to the port of New Orleans, but without any regular papers. Upon her arrival there, the collector of the port immediately seized her, in obedience to instructions from Washington, and compelled the owners to pay, in gold, the amount of wages due the seamen discharged at Cardiff; also three months' extra wages for each man, and four hundred dollars\* additional for every man of the crew not returned to the United States, as required by the

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\* See Appendix A, note 7.

bond given by every American ship-master sailing to foreign ports. The crew were shipped for currency, but having been discharged in a foreign port, the Government required these payments in gold. The probability is that the owners of the *Ida Lilly* were not very well pleased with this result of their captain's defiance of the laws of the United States or with the regulations governing the actions of United States consuls. As the owners lost their money, no doubt the captain lost his position, all because of a little stubbornness. The loss to the owners in this matter amounted to between seven and ten thousand dollars.

In all cases, the consul's statement and certificate as to the facts is considered conclusive evidence in law.\*

The shipping articles, upon which the names of a ship's crew appear, must not have any erasures or interlineations, or they will be considered fraudulent. The master must report to the consul all deserters from his ship. If there is no consul at the place where the desertion occurs, the master must have the same officially authenticated at the port or place next visited where there is a consul or a commercial agent. But if a ship leave a foreign port for the United States, and the desertion occur after the vessel has cleared from the foreign port, and she do not stop by the way, then, immediately upon his arrival in the United States, the master must have the desertion authenticated before a notary public; otherwise the ship may be held by the collector of the port for the pay of the seaman who deserted, also for the extra wages and the

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\* See Appendix A, note 10; Statutes at Large, vol. xi, p. 52.

four hundred dollars bond money. The same rule applies to deceased seamen, or to seamen lost during the voyage : if they die or are lost on the outward-bound voyage, the fact should be made known to and authenticated by the consul of the first port touched at ; if on the homeward-bound voyage, the fact should be authenticated before a notary immediately on the ship's arrival at the port of destination.

It should be borne in mind that the captain is the only one who can legally order punishment to be inflicted on seamen on board ship, and he must have a good and sufficient cause, and be guarded in the duration or severity of the punishment he orders. Punishment, if inflicted at all, should never be done in the heat of passion, but after time has elapsed for reflection. In the United States Navy, legal punishment of seamen and petty officers for slight offenses usually consists in solitary confinement, placing in irons (single or double), bread and water diet, diminished rations, reduction of grade, deprivation of liberty, extra duty, reduction or loss of pay, or dismissal from the service. The laws governing the Navy provide that in no case shall the punishment (except that of dismissal) exceed thirty days, nor involve more than three months' loss of pay. Before punishment can be legally inflicted on a seaman in the United States Navy, the seaman must be tried by a naval court-martial, convicted of some offense, and the punishment must be inflicted by order of the court, which arrives at its conclusion after much reflection. I repeat, this is the *legal* mode in the Navy ; but there are, unfortunately, some officers in the Navy who are as cruel as

any to be found in the merchant service ; therefore it is not surprising that other than legal punishments are sometimes ordered by naval officers of high rank—punishments which are shameful and brutal. Men are lashed to cannon so that they can not lie down for days ; they are nailed in rough narrow boxes called “sweat-boxes,” about the size of a coffin, and kept there for several days.\*

All wages due deserters are forfeited to the Government, and must be paid to the collector of the port where the ship arrives. In settling the wages of seamen (whether deserters or discharged men) with consuls, masters are not allowed to deduct for any thing except for moneys actually paid, goods supplied at a fair price, or for expenses incurred in behalf of seamen ; and there is no deviation from this rule, whatever receipts or vouchers the master may have, or whatever arrangement he may have made with the seamen. When a seaman is discharged in a foreign port, either by the master or consul, three months' extra wages must be paid, two months for the sailor and one for the Government.†

Every master of an American ship is required by law,‡ whenever he shall have occasion for any consular or other official services, which any consular officer of the United States shall be authorized by law or usage officially to perform (such as protests, surveys, etc.), to apply to such officer, and to pay to him his lawful fees for the same ; and if any master omit

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\* See case of U. S. S. *Portsmouth*, Chap. XVI.

† See Appendix A, note 11.

‡ See Appendix A, note 12, sec. 28.

to do this (*i. e.*, goes to other parties), he shall be liable for the amount, just as if the consul performed the service.

If a crew, or part of a crew, bring charges against a master before a consul, and the charges are not sustained, or the complaint is deemed to be without good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the whole expense to which he has been put by such groundless or frivolous complaints or charges; and he may add such reasonable damages for detention, if there have been any, as the consul may certify to be just.\*

All destitute seamen (called consul's men) are put on board American ships by consuls, to be transported to the United States, and are bound to do duty on board, if able, notwithstanding that the Government pays ten dollars for the passage of each man. Before the master or owners can get this ten dollars for each man, a certificate must be obtained from the collector of the port, stating that the men therein named have arrived. The master is not obliged to take a greater number of such destitute seamen than two for every one hundred tons' burden of his ship. If a ship is bound to some port in the United States, and the master should refuse to take such men as the consul may direct, he will forfeit and must pay one hundred dollars for each seaman so refused. The consul's statement of the facts is sufficient evidence, *prima facie*, of such refusal.

When a master ships or discharges seamen in a foreign

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\* See Appendix B, Regulation 143.

port, he must do so before the consul, and have the proper entry made on the shipping articles, otherwise the shipment or discharge is void and of no effect.

The question is frequently asked, "What constitutes an *arrival* in port?" I will here insert the answer, according to the views of the Government, which is to the effect that where vessels merely touch at a foreign port to try the market, or are accidentally driven into port, and make no formal entry, it does not constitute an "arrival" within the meaning of the Act of Congress relating thereto, and the ship's papers can not be legally demanded by the consul. In such cases vessels generally anchor beyond the limits of the harbor. The highest authority, the Supreme Court of the United States of America, has given the following opinion on the subject:

"Our view, then, is that the term *arrival*, as used in this Act,\* must be construed according to the subject-matter, the object of the provision, and the expressions in other sections of this Act, and in other like Acts; and that, according to all these, a vessel putting into a foreign port to get information, and getting it *without going at all to the upper harbor or wharves, and not entering, or repairing, or breaking bulk, or discharging seamen, or being bound homeward, so as to take seamen, or needing the aid of the consul in any respect, but leaving the port in a few hours*; not doing any of these, or being required to, and duly entering and delivering her cargo at a

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\* Act of Congress approved February 28, 1803—Statutes at Large, vol. xi, p. 203.

neighboring port, where it had been sold, and there depositing her papers with the vice-consul, can not be said to have arrived at the first port, so as to come within the spirit of the penal provision as to depositing her papers with the consul. So far as regards precedents on this matter, the actual decisions of one court, and the opinions of two Attorneys-General, are in favor of our conclusion."

From this opinion it will readily be seen that unless a vessel receives or discharges cargo, ships or discharges seamen, makes repairs, goes to the wharves, or requires the services of the consul, he has no right officially to demand or receive her papers.

The consul can discharge seamen, and relieve the master of the responsibility of returning them to the United States, *only* when the ship has been sold in a foreign country; or when the master and seamen both ask for a discharge; or when the vessel has been surveyed and pronounced unseaworthy; or on the well-founded complaint of either master or man.\* But in all these cases extra wages must be paid, unless the vessel has been wrecked or stranded, or condemned as unfit for service. If seamen on board *whalers* are discharged abroad, their wages and extra wages shall be rated at twenty dollars per month.† When the master and seaman both solicit the discharge, and the seaman is to leave the port immediately, and consequently not be any expense to the United States Consulate, the consul will generally consent to discharge the man, when

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\* See Appendix B, Regulation 148.

† See Appendix B, Regulation 154.

the master pays the one month's extra wages exacted by the Government for the destitute seamen's fund ; but in this case the seaman must sign duplicate receipts for the two months' extra wages legally due him, but which he does not receive. These receipts protect the consul in the settlement of his accounts, as he is charged with the full amount by the auditing officers. When a vessel is condemned by inspectors, on complaint of the officers and crew, the full three months' extra wages go to the seamen ; the Government or the destitute seamen's fund receive nothing.\*

Seamen must be allowed full liberty by the master to lay their complaints before the consul ; and if it is not convenient to send them ashore, then the master must request the consul to come on board, which that officer is bound to do, and to investigate the complaints according to law.†

In all disputes between the master and his crew, or between the officers and the men, investigated by the consul, the accused party has the right to be present, and to cross-examine the witnesses produced, and to testify in his own behalf, if he so desire.‡

A consul has no right to interfere or exercise any authority on board of an American vessel if the master is obeyed by his crew, or by a sufficient number of them to enable him to

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\* See Appendix B, Regulation 151.

† See Appendix A, note 8.

‡ See Appendix A, note 8.



navigate the vessel ;\* but the master can demand the assistance of the consul to enable him to maintain his lawful authority over his crew, and should never neglect to do so when necessary, and thereby save himself much annoyance and responsibility.

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\* See Appendix B, Regulation 616, and Ware's Rep., p. 104-115.

## CHAPTER XI.

Boys as Sailors.—Romance and Reality.—Servant of Servants.—Story of Charles King.

MANY boys determine in early life that, when they come to man's estate, they will be sailors. Reading works of fiction, generally yellow-covered literature, written by persons who have never been to sea, and have no practical knowledge of their subject, they are impressed with the poetical or romantic phases of a sailor's life, without any conception of its peculiar hardships. If the author of such a work happen to have been a sailor, like Captain Marryat, for instance, he shows up the comic phases of ship-life, avoiding those which are serious, and smooths over the difficulties; thus leading his boy readers to imagine that a sailor's life is one of fun, frolic, and jollity, with the advantage of seeing many distant lands and peoples. Boys are easily deluded by such stories—what is most improbable seeming to them true and real. Most boys are fond of fun; many have a sprinkling of mischief in their organizations, and nearly all have a strong desire to travel, and make their own way in the world. But, from an extensive experience among sea-faring men, and from personal knowledge, I can undeceive my young readers, and assure them that the life of a sailor is not what they imagine, and that the position of a boy who is learning to be a sailor is pe-

culiarly unfortunate. It does not matter what a boy's origin may have been, or what his previous education or manner of life, when he consents to ship before the mast, and adopt the life of a sailor, he must bid good-by to home and all its comforts—to father, mother, relatives, and friends—to education, decency, and refinement—to real independence, and to the restraints of religion and of good society—to brotherly love and sisterly affection. He will find none of these in a ship's forecabin among his shipmates, and very little, as a rule, in the ship's cabin among the officers. He will soon discover that he will have to serve *two* masters at least (the captain and his mate), who are merciless in their exactions. He will be ordered to do the most menial service, such as blacking and greasing the officers' boots, washing their clothing, slushing down the masts, washing and scrubbing out the officers' rooms, mopping the decks, and other services still more unpleasant. I do not specify these duties as degrading, but as contrasting with those romantic expectations which lead many boys to choose a seaman's life. Instead of thanks and kind words for these distasteful tasks, he gets curses and blows, and abusive epithets. When in the forecabin, among his shipmates of more mature years, he is made their servant to fetch and carry; he hears the most ribald conversation, the most blasphemous oaths. A boy of good family and gentle breeding, whose circumstances may have compelled him to accept such a position, is soon detected in his lack of appreciation of such conduct, and from that moment he becomes the "butt" of his shipmates—the object of their coarse jests and allusions—

and is looked upon as setting himself above his fellows ; and, unless he has more than ordinary strength of mind and remarkable independence of character, he is, in a measure, compelled, by "kicks, kuffs, and kusses," as the sailors say, to join in their wickedness, and become one of them.

I can, perhaps, best illustrate some of these facts by relating, very briefly, the story of Charles King, as he told it to me. Charley was a carefully reared Boston boy, who had run away from home with another boy. They had sailed from Boston to Java, had been much abused during the voyage, and had deserted the ship at Batavia ; from which port they were sent to me at Singapore. As King was somewhat the eldest and most intelligent, I subjected him to a close cross-questioning, to find out who he was, his object in going to sea, and what effect it had on him. He said :

"I resided with my parents at Boston, Massachusetts, and am now nearly eighteen years of age. My father is a watch-maker, and rates ship chronometers, and was more than usually kind to his family. I am the eldest of five children—three sons and two daughters. Up to the day I left home I had never done any regular work, except light chores around home ; I was kept at school with my brothers and sisters, our parents desiring to give each of us a superior education. My father was considered superior at his business, and many ship-captains used to bring their chronometers to him to have them rated and repaired. I have frequently, when a mere lad, heard them evenings in the shop, in conversation with my father, talk of their voyages to foreign parts, and tell of the

many different peoples on the earth, and the wonderful productions in the way of beautiful birds and flowers and delicious fruits, and of magnificent scenes. I liked to hear them talk ; and many a night, after I had retired to bed, I used to build castles in the air, and wish I was a sailor. Like others of my school-fellows, I had read 'Robinson Crusoe,' 'Midshipman Easy,' 'Ratlin the Reefer,' and all the sea stories I could get ; and I finally determined I *would* be a sailor. When I mentioned this at the supper-table one evening, the whole family were thrown into great consternation. My father ridiculed the idea, and my mother begged me not to think of such a profession for a moment, for if she were to lose me, her eldest child, it would surely break her heart.

" 'Besides,' said she, 'you are now coming of an age when you will be useful to your father by assisting him at his business, which is rapidly increasing. It is intended that you shall learn your father's trade, and gradually come into business with him.'

"But I was a very headstrong boy, and having once made up my mind, it became somewhat difficult to turn me from the object of my desires. I dearly loved my parents, and my brothers and sisters ; but I thought it would be a great thing to make a voyage to foreign lands, if only once, and then be able forever after to relate the wonderful things I had seen and heard and done. The idea took possession of me, and I became restless and unsettled. I could not study as usual, and soon lost my place at the head of my classes at school. My parents avoided conversing with me on the subject, think-

ing I would give up the project if not opposed or constantly reminded of it. I was more than ordinarily sedate for my age, and gave much time to thought and reflection, drawing many pictures in my mind of what I could and would do under certain circumstances. I have since found out that these 'certain circumstances' never come about on shipboard.

"I had only one particular friend among my schoolmates, a boy of nearly my own age, with whom I frequently conversed on the subject uppermost in my mind—the sea—and I soon found that he had similar ideas, but my enthusiasm at times completely carried him away. We loaned each other our sea stories, and gave a mutual pledge that, at the first favorable opportunity, we would become sailors. So, during our vacation last summer, we used to stroll along the docks and wharves, making ourselves familiar with the different rigs of vessels, in furtherance of our views of some day becoming sailors. One afternoon we were strolling along Central Wharf, where we saw some of the largest ships that sail the seas. One of them, the good ship *Falcon*, was laying at the dock taking in freight, and on board of her we walked, no person saying aught to us. Finding one of the sailors working at the rigging, we began to put questions to him as to the name and use of this spar and that rope, and soon had collected quite a fund, as we supposed, of valuable information. Ordinarily our conversation would have been stopped by some of the officers, but in this instance they were all too busy with the cargo, or mistook us for the owner's sons. Presently the sailor began to ask us some questions—What were our names?

where did we reside? and what was our object in asking so many questions about the ship? We frankly told him that we proposed some day becoming sailors, and were merely seeking information in advance.

“‘Oh, well,’ said he, ‘if that’s your object, now’s as good a time as any, and this ’ere’s a very proper ship to learn in, as how the skipper wants two just such larks as you be to stay in the cabin and study navigation.’

“My friend George and myself walked away a little distance from the sailor, and held a consultation, which resulted in our concluding that this was a fine chance to carry out our plans; and, after a few sad thoughts about our friends at home and what *they* would think, we determined to go. We then returned to the sailor (who afterward proved to be the boatswain), and inquired where we could see the captain, when the ship would sail, and for what port.

“‘That’s the last freight coming over the side,’ said he, ‘and we’ll sail as soon as the steam-tug comes to tow us down to Boston Light; we’re bound to the East Indies. The skipper’s at the owner’s office; but the best way for you youngsters to do is to come up to the office of Tommy Crink, the shipping-master, and he’ll make you part of the crew before you can say Jack Robinson.’

“George and myself quickly agreed to this, and were soon walking up a back street with the boatswain to a sailor’s boarding-house, and there we made the acquaintance of Tommy Crink, who appeared to be very glad to see us, and who soon put our names on the ship’s articles, and for the first

time in our lives we were induced to drink liquor. We didn't think of wages then. I did think, however, to drop a note to my parents, and George wrote a few lines to his, telling them where we had gone, and promising to return home after the first voyage. We were soon bundled aboard the ship ; but I don't remember much about that on account of the excitement and the liquor. The first thing I do remember was hearing the coarse voice of the second mate yelling out—

“‘Tumble up here, you land-lubbers! Get a hold of these strings, and help square the yards!’

“George and I were then in what I now know to be the fore-castle, and upon waking (we had fallen asleep), I could scarcely realize where I was, the place was so full of smoke, and had such a disgusting smell. I rubbed my eyes, and one of the sailors told us we were under way, below Boston Light ; that the steam-tug was about leaving us, and that all hands were called to make sail. We were soon out on deck with the rest of the crew, and began hauling on the braces ; but we made sorry work of it, and were the laughing-stock of the seamen, with our Sunday ‘togger’ on. After getting sail on the ship, the mate told us that the captain desired to see us in the cabin, and in we went ; and there we saw the captain for the first time. He was a fine-looking, oldish sort of man, but he was very sharp with us, or we thought so, as we had never been spoken sharply to by any one more severe than our school-teacher.

“‘What’s your name?’ asked the captain, addressing me, because I looked the older of the two.



“‘My name’s Charles King,’ said I.

“The captain then examined the shipping articles, and, finding my name thereon, he inquired George’s name, and proceeded to question me further as to where we resided, why we had left home, how we became attached to his ship, etc. I replied with becoming respect to all his questions; but when I told him that we had shipped to stay in the cabin and learn navigation, I thought he would die laughing.

“‘My ship is not a school for teaching navigation,’ said he; ‘you are put down on my articles as “boys” to serve before the mast, at five dollars monthly wages, and you must “bunk” and “grub” in the forecastle with the other sailors. I am very sorry if you have been made fools of by some of the silly stories told by the men, but I can’t help it now. The mate will give you some lessons in navigation when you come to have your trick at the wheel.’

“We began to think we had been made fools of, sure enough, and I asked the captain to put us ashore, as we were not far from land; but he said he couldn’t stop his ship to oblige any one, as the wind was fresh and fair. We must make the voyage and do our duty, or he’d know the reason why. He then asked us if we had brought any luggage on board, and I replied that all the clothing we had was what we stood in. He very kindly said he would supply us with salt-water suits from the slop-chest, and we had better keep our good ‘togs’ for shore duty. He then called the mate into the cabin, and explained to him *the mistake* which had been made, as he said, by the shipping-master, and ordered the

mate to supply us with two suits each from the slop-chest, and to charge it to our accounts, and see that we did our duty. This ended our interview with the captain; and he never thereafter took the slightest notice of us except to curse and swear at us, or give us an order.

“The mate took us to a locker, and gave to each of us a pair of sea boots, two pair of yarn stockings, two pair of dungaree trousers, two red flannel shirts, two jumpers, and a cap. We would not have worn any of these articles on shore, and should have felt offended had our parents required us to do so; all were coarse, and the sea boots must have weighed ten pounds at least. We then returned to the fore-castle, where our shipmates eagerly examined our new clothes, and each of us lost a pair of stockings, the older sailors thinking one pair enough for boys of our ages. In a few minutes we had removed our shore clothes, and were dressed in full sailor style—red shirt, dungaree trousers, sea boots, and jumpers; but, having no chest in which to stow our unused clothing, we did them up in a bundle, and placed it under the mattress of our bunk.

“It was now night and the breeze freshening, and the ship began to roll. We ate a hearty supper, however, and then stood the dog-watch till eight o'clock, when we both retired to our bunks, very much fatigued with the adventures and excitements of the day; and, being more tired than ever before, we were soon sound asleep. But this luxury was not of long duration, for it appeared to us that we had scarcely closed our eyes when we heard the coarse voice of the second mate

again calling all hands to come on deck and help shorten sail. The wind, having continued to rise, was now blowing half a gale. George and I were rather slow getting out, not being used to having our rest disturbed ; and no sooner did we reach the deck than the mate gave each of us a good hard kick to help us along, as he said—and it did help us considerably, for the one I received sent me about ten feet. This was followed by curses and threats as to what we would get if we were not smarter thereafter. We fell to, and began hauling on the braces ; but the ship heaved and pitched like a cork in a bucket, and I soon became very sick. Then the second mate kicked me again, and cursed and swore at me terribly, calling me all kinds of foul names, and threatening what he would do to me if I did not look sharp.

“ After shortening sail, we were permitted to again retire to our bunks in the forecabin, and this had now become the vilest place I had ever slept in. I kept silent for a while, but George was so worried that he began to complain. He told me he thought we had made a great mistake, and would have a very hard time. He said the sailors who were hauling on the rope where he was tried to crush his feet by trampling on them, saying they ‘ smelt leather.’ I sympathized with him, and told him how sea-sick I was ; but we soon fell off to sleep, only to be awakened again to take in more sail. This time the mate ordered me to go aloft to help reef the maintop sail. I looked up, but was afraid to attempt to climb the rope-ladders as yet ; and the mate, seeing me hesitate, gave me a tremendous blow with his open hand on the left side of my face

and ear. I was utterly stunned, and went reeling round the deck as if I were drunk ; but he gave me no time for thought, continuing to order me aloft ; and somehow, I know not how, I got up to the maintop, and out on the yard, holding or laying on the yard, my feet sliding on the foot-ropes, fearing that I would fall every instant. I didn't help much to reef that top-sail ; the ropes were very slippery, and it was 'raining cats and dogs,' as the sailors said. I was soon wet through and through, and became very dizzy from my elevated position and the lurching of the ship. Soon the mate ordered me down. The very thought of going down the slippery rigging made me light-headed ; and it was so dark I could not see my hand before me. By the kind assistance of one of the sailors, an old man, who went down in advance of me, and put my feet on the ratlines, I got down to the deck once more. There I was met by the mate, who gave me a terrible blow with a rope's-end, which left a welt on my shoulders and back for a week afterward ; this, the mate said, was to cure me of a bad habit I had of spitting on the deck, and to learn me to go when and where ordered. The tears gushed from my eyes, and the blood fairly boiled in my veins. I had never been punished much at home, and it was very hard to endure blows from a stranger. I thought I could kill that mate and second mate ; but a moment's reflection taught me that I had only myself to blame, and must suffer in silence, being powerless.

"It was now twelve o'clock, midnight, or, as the sailors say, 'eight bells,' and George and I were called on watch again

till four o'clock. We were required to stay out on deck in the storm and rain, and there to walk back and forth, so as to prevent our going to sleep. It was very difficult for us to walk. The sea was running high, and the ship heaved and pitched awfully ; but we kept together, and sympathized with each other, for it appeared that George was as badly treated by the second mate as I had been by the first. As the watch we relieved were going below, two of the older sailors loaned us their oil-skin sea jackets and hats, making us promise to return them if they were called.

"We continued to walk or stagger round the deck, until we became so tired as almost to fall down ; once or twice we stopped, and sat down on a spar which was made fast to the ring-bolts in the deck on the lee-side, but the second mate came sneaking along, and, thinking we were asleep, he heaved a large bucket of sea-water over us, swearing that we *were* asleep, although we told him we were not. He then ordered us to keep walking, or next time he would give us some belaying-pin soup, meaning that he would beat us with a belaying-pin. The four hours of our watch appeared longer than any day I ever spent at school, and many were the plans discussed by George and myself to get back home, or to get rid of the ship. From the nausea of the sea-sickness, the beatings and excitement, my head ached violently, and I seriously determined to complain to the captain in the morning. I can not tell how many hundred times that night I wished myself back at home in my own comfortable bed—how I thought of the agony being suffered by my dear mother on

account of my leaving home—and how, at that very moment, she was probably lying awake, hearing the storm and thinking of me.

“We were at last relieved, and allowed to go below; but the sailors had been smoking in the fore-castle, so that the place was full of the smell of vile tobacco, and this we inhaled into our lungs at every breath, making me more sick, if possible, than when on deck. My head was almost bursting, and I could not sleep. At five o'clock it was daylight; the storm had somewhat subsided, and all hands were again called to make sail. After this we were ordered to scrub decks, and wipe down the paint-work, and scour the braces on the poop-deck, so that every thing should be very clean by the time the captain should come on deck. At six o'clock we were allowed a tin-cupful of hot coffee, sweetened with molasses, but no milk, and then we came on watch again. My headache and nausea increased, and I was very feverish, but continued to stand my watch. During the time we were scrubbing decks, the mate knocked George down with a bucket, because, in drawing water out of the sea, he let the bucket strike the side of the ship, and rubbed off the paint. The mate took the bucket from George, showed him how to dip the water, swearing all the time; then threw the bucket at him, so that it struck him and knocked him down.

“At eight o'clock we were relieved, and allowed to go below for breakfast. The men who relieved our watch had taken their breakfast first, and they took good care to leave little behind; but as I was very ill, I had no appetite for a

breakfast which consisted of hash, made of sea-biscuit soaked in water and fried with fat pork, and a few potatoes, coffee, and hard bread. I didn't eat any thing, and George only tasted the colored water called coffee. The other sailors belonging to our watch tried to make fun of us, saying we were young land-lubbers, runaways, etc., and the sooner we got used to the ship the better. They kindly informed us that we hadn't seen half the abuse sailors put up with, and if we intended to be sailors we must conclude to take the world rough and tumble, etc. But one of the watch, an old American tar, put in an oar for us. He said we were merely school-boys off on a lark; that we didn't understand any thing about the ways of the world, the hardships of a sailor's life, or the meanness of masters and mates, and that it was contemptible for the officers to punish us as they did for lack of knowledge which we couldn't be supposed to possess; that we would soon enough become used to the hard lines of a sailor's life; and he, for one, didn't approve of beating boys or men aboard ship. This was met with a jeer from some of the other men, who said they had had to go through the same course. One said no boy could become a sailor until he had many a good beating. *He* had been beaten by every mate he had sailed with; had his head broken by a blow from a capstan-bar, his nose broken by blows from a belaying-pin, his body black and blue from a rope's-end, his leg broken by falling from the main-yard, and a marline-spike, thrown at him by a second mate, pierced through his hand. This was not the most agreeable information we could have received, after less than twenty-four hours' experience of ship life and duties.

"After breakfast I lay down, thinking to sleep off my headache; but the fever increased, and I became nervous and wakeful. The boatswain, who had persuaded us to ship, came into the forecabin about this time, as if looking for something, and engaged me in conversation. I believe now that the mates sent him to see what I would say.

"'Well, Johnny,' said he, 'how do you like a sailor's life by this time?'

"'My name's not Johnny,' said I; 'and I don't like it at all, if this is a fair sample of life in other ships.'

"'This ship is a good specimen of all I've ever sailed in, only not so bad as some,' said the boatswain; 'unless you're very smart, you'll have worse and more of it by and by.'

"'Can I see the captain?' I inquired.

"'Oh, yes,' replied the boatswain. 'He's on the poop-deck; you can see him any time: a cat can look at a king.'

"I thought the matter over for some time, and finally determined I *would* have a talk with 'the old man,' as the sailors called him. I arose from my bunk, and walked aft. At the booby-hatch I was met by the mate.

"'Where are you going, youngster?' said he.

"'I wish to see the captain,' said I.

"'Well, you see him on the poop there. Now go for'ard and scour the anchor till your watch is called.'

"He followed me forward, and gave me a large stone; then required me to rub it on the anchor till twelve o'clock, without producing any other effect than to make me very tired, as far as I could see. This was to punish me, as I



was afterward informed, for trying to carry tales to the captain.

"The dinner consisted of very salt and very fat pork, potatoes boiled with their coats on, and hard bread. I couldn't eat any of it; I was sick from chagrin; my fever continued to rage, and my head to ache. I stood my watch in the afternoon, and was made to go aloft with a pot of dirty grease from the cook's galley. I was required to take this grease in my hands and rub it on the masts. This was called 'slushing them down,' and was done for the purpose of causing the yards to work easier. After I returned to the deck, I completely broke down at the thought of having been such a fool as ever to desire to become a sailor. When the watch was called at eight o'clock, both George and myself were too ill to go on deck. The mate pretended to believe that we were feigning sickness, so he came into the forecandle and gave us a sound thrashing with a doubled-up rope, and ordered us out on deck, which I had no sooner reached than I fell down, utterly exhausted. I knew nothing for several days. But George afterward told me that when I fell the mate struck me again with the rope; but finding I didn't attempt to get up, he ordered some of the men to carry me into the forecandle; that I was then rubbed with spirits, and some poured down my throat; that I had been very sick; the captain had been to see me, and ordered medicine, and allowed George to nurse me. I soon rallied and rapidly improved, although a ship's forecandle is not a very good place for a sick person. My appetite returned, the sea-sickness had left me, and the cook

prepared some nice food for me. I came out on deck as soon as my strength returned, so as to show the officers that I didn't wish to skulk. George and I had agreed to make the best of a bad bargain, and do the very best we could, until we should reach a port where we could desert the ship. No sooner did the second mate see me out than he ordered both of us to 'get some rotten-stone and clean the brasses.' I was afterward put in the first mate's watch, where George was also, and we stood our regular turns. The abuse was about the same from day to day as we had previously received. The mate and second mate appeared to have taken a deadly hatred to us boys without cause, beating us for the slightest offense, or for no offense at all. But we were not the only ones beaten: nearly every member of the crew got it, from time to time, hot and heavy. I noticed that a great, strapping, six-foot German sailor escaped with cursing only. The sailors had the impression that the mates were afraid to tackle him, for fear they would get the worst of it. No matter what we did or how we did it, fault would be found. Sometimes we were made to scour the brasses over and over again, until it seemed as if the mates required it for the purpose of keeping us doing something. Believing this to be the case, we afterward took a long time to do a little work. I was compelled to scrub out the mate's room, and George the second mate's room, every few days; to black their boots, and to keep the sea-mould off the extra pairs; to brush their clothing, to clean out their spit-toons, and wash their shirts and under-clothing; to mend rents and sew on buttons—all this together with our regular duty as

sailors. In fact, we were their servants in every respect, except that, instead of the pay and good words most servants receive, we got only blows and curses. Our bodies were black and blue with bruises, our eyes bunged up, and, take us all together, our parents and friends would not have recognized us in the street. Not only did the officers thus abuse us, but occasionally a coarse, brutal sailor, in an angry mood, would kick and cuff us about the forecandle; and we were made to fetch and carry for them also. Our clothing disappeared in the most miraculous manner; and when we dared to claim some article of dress on a sailor as ours, such as trousers or jumper, we would receive abuse for our 'impudence.' If we complained of such treatment to the mate or second mate, it would be worse for us thereafter. Once George complained to the mate that his extra pair of canvas trousers were gone; the only satisfaction he received was to have another pair issued to him, and charged to his account, and then told to bring a chest next time he came to sea.

"After a long voyage of over four months we arrived at Bombay, where we laid three weeks within half a mile of the city, but were not allowed to go on shore, although the other sailors were given liberty on Sundays. From Bombay we proceeded to Calcutta, where we lay fifteen days; but all I saw of that city was the church spires in the distance, being refused liberty to go ashore. From Calcutta we proceeded to Batavia, Island of Java, to get a cargo of coffee, tin, and sugar; and being again refused liberty to go on shore, George and I took the first opportunity, stowed ourselves in a bum-boat, and thus

got on shore, just as the ship was getting under way for Soerabaya, a port on the coast of Java. We left all our clothing and wages behind us, and on reaching the shore we had neither money, friends, nor clothing, and no place to go. We walked up and down the streets, looking at the remarkable scenes, fruits, flowers, and picturesquely clad natives, until we were thoroughly tired out. As we could not speak the Malay or Dutch languages, we were in an awkward situation: we could not even ask for a glass of water. As night came on, we began to be sorry we had left the ship, for that afforded us food and shelter at the least; but now we were deprived of both, and so we began to blame ourselves for the hundredth time for our great foolishness in running away from our good homes and too indulgent parents. Shortly after night-fall, the native policemen at the street corners began to call the hours, and order all passers-by to exhibit their passes, as all straggling Europeans and natives are required to do by the Dutch authorities. We were hailed in this way, and having no passes, we were quickly marched off to the guard-house, and there imprisoned all night, without meat or drink. In the morning, by the aid of an interpreter, the magistrate before whom we were brought found out we were American sailor boys, and sent us to the American consul, who proved to be a gentleman of kind and sympathetic feelings. The Dutch laws require all sailors unemployed to be sent aboard the guard-ship, and there we were sent until the consul could get an opportunity to send us to Singapore. On board the Dutch guard-ship, which lays in the road at Batavia, we were brought in contact

with sailors from every commercial country on the globe, nearly all of them deserters, like ourselves. They were very profane and corrupt, and we were heartily glad when the order came for us to get ready to proceed to Singapore. In a few minutes we were taken ashore to the Consulate, and there each of us received from the consul a suit of clothes and a steerage-passage order on board a small Dutch steamer, called the *Vice-President Prius*, which was about to leave ; we were soon on board of her, and after a three days' voyage we arrived here.

"And now, sir, you have heard my story, which I assure you is true and correct as far as it goes. I do not attempt to enter into details from day to day, but merely give an outline of our treatment ; I am prepared to promise, as far as I am concerned, and I think George will do the same, that if you will get us back to Boston, we will try to atone for our mistake, and never again attempt to become sailors."

\* \* \* \* \*

Such was the unvarnished story of Charles King, told in an earnest, truthful way, and I have not the least doubt of its truth. Of course I sent them back to Boston at the first opportunity, and soon afterward received letters of thanks from them and their friends, overflowing with gratitude for their safe return to America. Their statement does not differ much from that described to me by at least a dozen other young sailors. To my young readers I would merely say, before you adopt the calling of a sailor, look well about you, and see if you are not fitted for something better. For my own son, I would prefer any other calling.

## CHAPTER XII.

Sailors' Songs.—Sailors' Yarns.—Sailors' Wishes.—Sailors and Horses.  
—Humor of the Old United States Navy.

As will readily be inferred by those who have read the preceding pages, there is very little to admire in the life of a sailor. Poor fellows! they try at times to enliven their work with songs, and although these are inspiriting for the moment, they are of the most ordinary character, and, as far as my observation goes, there is nothing elevating or beautiful in them. The spirit of poesy does not haunt the forecastle of a ship. I have frequently helped the men of a vessel (on which I was a passenger) haul on the braces, so that I might hear and note their songs. They have certain words and tunes for certain work, and I will append a few stanzas by way of illustration.

When hauling up the main-yard, after reefing the maintop sail, they sing :

“ Whisky makes a poor old man—

( *Chorus.* )—O whisky, whisky !

Johnny met me in the street,

Johnny asked me if I'd treat—

O whisky, whisky !

I said yes, next time we'd meet—

O whisky is for Johnny !”

At each recurrence of the word *whisky*, the sailors give a pull on the braces. When hauling taut the weather main-brace, they sing a perversion of the old negro melody, "Hey, Jim along, Jim along, Josey!" but the sailors put it—

"Way, haul away—haul away, Josey—  
Way, haul away—haul away, Joe!"

This is repeated over and over again, with any slight variation that may occur to the leader, until they cease hauling. Sometimes this is varied by singing—

"Haul the bowline—Kitty, you're my darling—  
Haul the bowline—bowline haul!"

When heaving up the anchor, they sing—

"A Yankee ship came down the river—  
(*Chorus.*)—Blow, my bully boys, blow!  
They keep an Irish mate on board her—  
Blow, my bully boys, blow!  
Do you know who's captain of her—  
Blow, my bully boys, blow!  
Jonathan Jinks of South Caroliner—  
Blow, my bully boys, blow!"

When hauling up the foretop-sail yard, after reefing or shaking out the reefs, they sing a song of more pretensions, as follows:

"Lorenzo was no sailor—  
(*Chorus.*)—Renzo, boys, Renzo!  
He shipped on board a whaler—  
Renzo, boys, Renzo!  
He could not do his duty—  
Renzo, boys, Renzo!"

They took him to the gangway,  
And gave him eight and forty—

Renzo, boys, Renzo !

“He sailed the Pacific Ocean—

Renzo, boys, Renzo !

Where’er he took a notion—

Renzo, boys, Renzo !

He finally got married,

And then at home he tarried—

Renzo, boys, Renzo !”

These, and like songs, are made to cheer the poor seaman, and in some measure to lighten the heavy load his masters (the captain and his mates) impose upon him. At sea, he has little amusement, and little time for any. When not on watch, he tries to sleep. If he can not sleep, he washes or mends his clothing ; if they do not need washing or mending, he plays cards with a dirty, greasy, much worn pack ; sometimes checkers, rarely chess. Some employ their spare time in modeling miniature ships, yachts, etc., with which they part to the first purchaser for a comparatively small sum, considering the time and labor employed. Some of these miniature vessels are really fine specimens of marine architecture—perfect models of large ships, having rigging, shrouds, sails, yards, booms, jibs, tiller, rudder, cabin-house, fore-castle, hatch-es, capstan, bulwarks, fife-rail, pin-rail, and all complete.

Sailors are very fond of “yarning”—*i. e.*, telling stories, and talking of the different ships they have sailed in, and the good or bad captains they have sailed with. The ship they last sailed in was the best ship they ever saw ; the ship they are



now sailing in is the worst they ever sailed in. They are never satisfied. Some speak of good captains—good in morals, respecting the Sabbath, and who despised cursing and swearing and fighting. Such skippers get all the compliments and praise the poor sailor can find language to express. Some mean dogs of captains—tyrannical, abusive, and blasphemous—get all a sailor's curses. Then comes the intermediate captain, neither very good nor very bad, who even swears occasionally, but he gives the men "good grub," does not permit the officers to abuse them, and yet such captains insist on discipline. One evening, when the wind was fair and we were bowling along nicely, I heard the watch "yarning." Peter Johnson was telling of a *very* mean captain, who had the men's soft bread made out of sour flour, watered the molasses that sweetened their tea to make it go further, stopped their morning coffee, and wouldn't allow the cook to put raisins in their "plum duff"—all of which were serious offenses in Jack's estimation, and the crew complained accordingly.

Then up spoke Carl Erickson, a Swedish sailor, who had been a man-o'-war's-man; said he :

"Vell, I tell you, poys, I have sail mit some mighty mean fellers vat vas captains, and some vat vas good discipliners; but I vonce sailed mit a Captain Crashpy in de ship *Andelobe*, from Batavy to Boston, who beat de defil in schmartness. He vos one of your schwearin' fellers; but he vos a bully sailor, und he giv us good grub. He didn't do to fool mit, I tell yer. Well, ve left Batavy in de mornin', und de wegetables und fresh meat, und udder green stores, vat ve ginerally

git dere, hasn't coome aboard, und de men knows dis. Dey vos afraid ve have salt horse all de vay home, und some begin to complain; but de captain he doesn't know it. At Anjier ve dropped anchor, und de captain he goes ashore in a bum-boat to buy de wegetubles und udder stores, because he gits dem dere sheeper und fresher as at Batavy; but de men didn't know dat, neider. Vell, vile de capen be gone ashore a little minit, de men detarmine dey go no furder mit *him*; and so dey tell de mate, who says better wait till de old man coomes back. Bimeby de capen he coomes aboard again, leavin' de stores to follow him. No sooner de capen goes into de cabin, dan de mate he goes in too, und dere he tells de capen as how de men say dey go no furder mit him. Vell, dey stay in de cabin some time, eatin' dere supper. Pretty soon after vile de capen tells de mate to go up on deck und call all hands aft, und place 'em in a line on de port side. Now de ringleader of all dis grumblin' fuss was a pig English feller named Pill Jones. He vas a terrible fellow for schwearin', too; but he vos a pig coward, as it afterwards vos so. Pill Jones all de time tell de men if de capen say two vords, he'd knock him down, und kick him for fallin'. Vell, de mate call us all aft, und he make us stand in a line on de port side, near de cabin-house, mit Pill Jones at de head of de line. Now ve tink, ven de capen coomes up, he makes us a little speech, und den he sends for de wegetubles, und all goes as good as ever. Bimeby Capen Crashpy comes up on deck, und at first he didn't say a vord; but he vawks along de line right straight up to Pill Jones, first one. He puts a re-

volver pistol in Pill's face, und den he makes a little speech; but it vos a very short von. Says he :

“‘Do you vish to go to hell, or to Boston?’

“‘I vish to go to Boston,’ said Jones, vary quick.

“‘Vell,’ said Capen Crashpy, ‘you go on de starboard side.’

“He den asked de next man, und he said he'd go to Boston too; und he sent *him* on de starboard side. Und so he vent down de whole line, puttin' de revolver pistol in each man's face, und askin' de same question; und dey all shange der minds, und say dey want to go to Boston; and dey all form a line on de starboard side. As de last man goes over, Capen Crashpy he sings out to de mate, ‘Man de windlass, Mr. French;’ und de mep run forward mit a will—de anchor coomes up mit a run, de bum-boats mit de wege-tubles und stores make fast to de channels, und ve sail away for Boston!”

“Well, Carl,” asks one, “what did you say when Captain Crosby put the pistol in your face?”

“Oh! I said I'd go to Boston too; he no catch me dere!”

“What became of Bill Jones after that?”

“Pill Jones vos very much quiet dat night; but de next day he pegin to blow in de forecundle, und one of de poys tell him to dry up, or he'd knock him down und kick him for fallin'; und den he is quiet again.”

A good story is told of an Irish mate on board the bark *Erin*, while she was taking in freight at Bombay. The mate, stepping up to the main hatch, hailed those in the hold—

“Below there!”

"Aye, aye, sir!" replied the men.

"How many uv ye's is down there?" inquired the mate.

"Three of us, sir," answered the men.

"Come up here, the half uv ye's!" said the mate; but he failed to say which one should be cut in two.

There is much rivalry among sailors as to who shall spin the best yarn, which generally means who shall tell the most monstrous lie. One evening, during a calm in the tropics, I heard the watch trying to outdo one another, by each telling something he had seen more astonishing than any thing the others had seen. One had just told of a very hard rain he had once witnessed at the Island of Jamaica—the description of the storm was truly awful. The rain must have come down pretty lively, if Jack was to be believed; but it was within the range of possibilities. Suddenly he was interrupted by an old tar, with "Belay! belay! I've seen it rain harder 'an that. When I was making a voyage from Mauritius to Hong-Kong last year, in the ship *Eliza Jane Johnson*, it fell to rainin' one day; it rained wery hard for a spell, then kinder stopped; but afore it got done stoppin', it broke loose again, and rained harder 'an ever; I never did see it rain like it did that day—things was a floating all about decks. It was durin' a calm, too, and the ship was level, and the scuppers couldn't carry off the water. Soon it was purty deep on deck; so the men stripped and took a fresh-water swim from stem to stern. There was a empty beef-bar'l on deck, which we wanted should be dry; the head was knocked out of one end, and the rain, pourin' into it, soon filled the bar'l; so I turned out

the water, and turns t'other end up, which had a head in it ; but there was a bung-hole in that end, which I didn't think much on ; but in course of a few minits, what should I see but the water spouting like a fountain up through this bung-hole ! It rained so hard, and run through the bung-hole so fast, that the bar'l got chock full, and the water spouted out of the hole !”

“ But why didn't it run out of the bottom ?” said one.

“ It did run out of the bottom,” said the yarner, “ but it didn't run fast enough, and tharfore it had to come out the bung-hole, or bust the bar'l ! The fillosofers could 'splain it, I s'pose, but I never could, as I never saw it rain so hard afore or since.”

The allusion to the “ fillosofers ” was perfectly satisfactory to the others, and they concluded it *was* a *powerful* hard rain.

One day, while our ship was lying in the harbor at Batavia, Java, I observed two old salts standing at the port gangway, engaged in earnest conversation ; they were looking at a British man-of-war, or, as they called her, “ a king's ship,” anchored close by. The conversation was, as usual, on the hardness of Jack's lot in life, a never-ending subject, and each was expressing himself as to what he would do, did he possess the power.

“ If I was a king,” said one, “ I would make every body rich ; I would take off the *taxis*, and make every body contented and happy. Then I would marry a pretty girl, buy a horse and cow, and go to farmin'.”

Jack always has a great terror of *taxis*, although he never pays any ; and a most romantic idea of a farmer's life, although

he may never have passed a day on a farm. That the farmer has all night to sleep, while Jack is liable to be called at any moment, is the one great cause of sailors wanting to be farmers.

"If I was a king," said the other, "I would make my father and mother and all my brothers and sisters rich, then get all the money I could, and leave." He failed to say where he would go—most probably "to parts unknown."

"'Vast there!" said the first Jack; "how much money would you want, anyhow? Be easy, now—don't take a hog bite!"

"Well," said the other, "I would be satisfied if that king's ship was loaded down with needles, and every needle would be worn out in making bags to hold my gold."

"Belay, there!" said Jack number one; "don't be a fool! when you make a wish, wish for something in reason. Now I wish that I had a pile of money so big that your pile wouldn't be enough to pay the interest on mine so long as you could hold a red-hot knitting-needle in your ear!"

Sailors are remarkably fond of riding and driving horses. One of the first expenses Jack incurs after getting ashore on liberty is to hire a horse, or a party of them engage a carriage; one of their number takes the ribbons, the rest get inside, the curtains are raised, and away they go at break-neck speed, singing and shouting like delighted children, until the grog begins to work; then wisdom and joy depart, and fighting ensues. A sailor on horseback is a most grotesque creature: at first he spreads his legs out at right angles with his body; then, as the trotting of the horse jolts him into position, he

stands straight up in the stirrups, heaving fore and aft at each movement of the horse; not being able to endure this long, he swears at the stirrups, kicks them from his feet, fixes his limbs tightly round the horse, then lays down on the mane, lets go the bridle, places his arms around the horse's neck, and in this condition comes to an anchor in front of some "Britannia Rules the Wave" tavern, and is helped off more dead than alive. Mr. Blackmore, in "The Maid of Sker," gives a fine humorous description of a sailor on horseback :

"Therefore arising betimes, I hired a very fine horse, and manning him bravely, laid his head east-by-south, as near as might be, according to our binnacle. But, although the wind was abaft the beam, and tide and all in his favor, and a brave commander upon his poop, what did he do but bouse his stern, and run out his spanker driver, and up with his taffrail, as if I was wearing him in a thundering heavy sea. I resolved to get the upper hand of this uncalled-for mutiny, and the more so because all our crew were gazing, and at the fair I had laid down the law very strictly concerning horses. I slipped my feet out of the chains, for fear of any sudden capsize, and then I rapped him over the cat-heads, where his anchor ought to hang. He, however, instead of doing at all what I expected, up with his bolt-sprit and down with his quarter, as if struck by a whale under his forefoot. This was so far from true seamanship, and proved him to be so unbuilt for sailing, that I was content to disembark over his stern, and with slight concussions. 'Never say die' has always been my motto, and always will be: nailing my colors to the mast, I embarked upon

another horse, of less than half the tonnage of that one who would not answer helm. And this craft, being broken-backed, with a strange sound at her port-holes, could not under press of sail bowl along more than four knots an hour ; and we adjusted matters between us, so that when she was tired I also was sore, and therefore disembarked and towed her until we were both fit for sea again."

As an example of true sailor wit and irony, I will hereto append the "Book of Chronicles," as written by Lieutenants Mason, Hoe, and Paul, of the United States Navy, many years ago. I believe these "Chronicles" have never before appeared in print, although much admired and sought after. My manuscript copy is one of the only three extant. The persons, places, and things alluded to, may be named as follows :

John.....Captain John Gwinn.

Alexander....Commodore Alexander Dallas.

Martin.....President Martin Van Buren.

King's Palace. Monticello, Residence of Thomas Jefferson.

Publican.....Mr. Anthony Collins, Hotel-keeper, Pensacola, Fla.

Levi.....Captain Uriah P. Levi.

Idol.....Stone Sarcophagus for President Jackson.

Judea.....United States of America.

By way of prologue, it should be stated that Captain Levi was of Jewish birth ; that he married a wealthy lady, who, being unable to agree with him, gave him a great part of her fortune, and separated from him. He became possessed of Monticello, the elegant home of President Jefferson, near Charlottesville, Virginia ; but the people in that locality refused



to associate with him. He brought to the States, from Rome or the Holy Land, a stone sarcophagus, and presented it to President Jackson, to be used as a coffin when he should die. Captain Levi was a very haughty man, unpopular with his brother officers, and not blessed with a superabundance of courage.

“BOOK OF CHRONICLES.

“And it came to pass in the days of Martin, King of Judea, that great ships went into far countries to carry gold and silver for the merchants.

“Now these ships had captains who were men of great skill and power upon the sea, and Alexander was the chief captain who commanded in those days, and he was beloved by the people, seeing that he had ruled them with justice and wisdom.

“And one of the captains of Alexander’s ships falling sick, received permission to return unto Judea; and Alexander wrote unto the King’s minister, saying, Send me another captain instead of John, that none of the King’s ships may fall into the hands of the enemy.

“In the mean time a young man named Mason was made captain, and he was valiant, and one also much beloved by the people.

“And behold when the King received the letter of Alexander the chief captain, he called a council of his ministers, and when they had counseled together, they appointed one Levi, saying, Behold, this man has eaten the bread of the people, and hath not served his country for many years. And the

King commanded that he should be sent unto the ship of John.

"Now this Levi was a Jew ; but he did not worship in the synagogue, for in those days the Jews were scattered abroad.

"Levi was also rich, having ensnared a rich woman in a far country ; and when she found he had dealt deceitfully with her, she paid him a ransom and let him go.

"And Levi was despised by the people, they believing that he had dealt treacherously with this woman ; and seeing also that he had offered a brazen image for an idol, that was not accepted by the people.

"They were sorely grieved that with his great riches he had purchased the King's house ; and they murmured, saying, Shall the King's palace become the tabernacle of a Jew ?

"And behold when Levi received the King's commandment, he took his servant and his raiment, and traveled into the South, and sojourned for a time in the chief city.

"And behold he dwelt at the house of a publican named Anthony ; now this publican was much respected by the people for being an honest man and just.

"And Levi, while he tarried here, behaved himself haughtily before the people, and when Anthony heard of it, he desired of him that he should leave his house.

"And Levi departed, and went back into Mobile, where he met with those who were also of the King's household, and he spake to them falsely of the publican, saying, Behold, while I tarried at this man's house, about the ninth hour I went into my chamber, and found this man therein, and his staff upon

my bed ; now his intention was to rob me, seeing I had much gold and silver with me.

“But those who heard him believed him not ; and one of them who was present and heard these things told the publican, and when *he* heard it he was moved with indignation.

“And when John’s ship returned from Mexico, Levi took shipping and came back into Pensacola, to take charge, according to the King’s commandment.

“And passing by the King’s ship, he hailed unto her in a loud voice, saying, Send me a boat to fetch my servant and my stores.

“And Mason asked him, saying, Is that Levi, our captain ? and he answered, Yea.

“And they sent him a boat, and brought his servant and his raiment and his stores, but Levi himself passed on to the city.

“And in the evening as he walked out, behold, the publican met him in the way, and desired to speak with him.

“But Levi refused him haughtily, saying, It is not meet for me, an officer, to speak to thee, a publican, in the street ; come at a more convenient season, and I will hearken unto thee.

“At this the honest publican was filled with wrath and sore indignation, being surprised at the brass and gold lace of such a one ; so he caught him by the garment, and said, Sir, thou must hearken unto me now and here, for thou hast borne false witness against me.

“And when Levi would not hearken unto him, but spoke

despitefully unto him, *the publican wrung him by the nose*, and treated him shamefully, but justly, before the people.

“And the congregation that were there gathered together, laughed Levi to scorn, and reviled him, saying—

“Where hath the great spirit of the King’s warrior fled?”

“And Levi quickly withdrew himself from the people, and went into his ship, and shut himself up for many days.

“Now the rest of the acts of Levi, and all that he did, are they not written in the Book of the Chronicles?”

## CHAPTER XIII.

Women as Sailors.—Stewardesses on Ships.—The “Slop-Chest” Grievance.—Iron *versus* Wooden Vessels.

THE heading of this chapter may seem at first a little odd to the reader ; but it should not, as it is no new thing for women to become sailors. We are informed in ancient history that Artemesia, Queen of Halicarnassus, commanded five ships at the defeat of the Persians, at Salamis, and made a brave resistance, distinguishing herself by undaunted courage and activity, and a perfect knowledge of strategy. Toward the end of the battle, seeing herself in great danger of being taken, she lowered her flag and attacked a Persian war vessel with terrible fury. Her stratagem had the desired effect, for the conquerors, believing her vessel to be one of their own, failed to pursue her. There are several instances on record of American women, wives of deceased captains, navigating their vessels into port after the death of their husbands.

In the reign of George III, of Great Britain, an Irish woman, named Hannah Whitney, served for five years in the Royal British Navy, and kept her secret so well that she was not known to be a woman until she retired from the service. A few years later, a young Yorkshire girl walked from Hull to London in search of her lover. She found him enlisted on

his majesty's man-of-war *Oxford*; and thereupon she donned a sailor's suit, assumed the name of Charley Waddell, and enlisted on the same ship. Her lover, not being as faithful to her as she to him, deserted the ship; and in attempting to follow his example, she was arrested and her sex detected. The officers raised a contribution for her, and she was dismissed the service and sent home. In 1782, a Mrs. Cola became somewhat famous by serving on board a man-of-war as a common sailor. She afterward resumed her proper attire, and opened a coffee-house for sailors. In 1800, a girl of fifteen tried to ship at London on board a South Sea whaler; and, being refused, she put on boy's clothes, hired herself to a waterman, and became very skillful in rowing. She did not learn to swim, however, and one day, the boat capsizing, she was nearly drowned. In this crisis her sex was discovered, and she ceased to be "a jolly young waterman," and became a domestic servant in her proper apparel. Another girl, aged fourteen, named Elizabeth Bowden, being left an orphan, went up to London in 1807, from a village in Cornwall, in search of employment. She did not succeed in finding such work as she desired, and, putting on male attire, she walked to Falmouth, and there enlisted as a "boy" on board his majesty's ship-of-war *Hazard*, and did good service aloft and below. Her sex was finally discovered, however, and by the kindness of the officers the poor girl was placed in a proper position. Still another, named Rebecca Ann Johnston, had a cruel father, who dressed her as a boy when she was thirteen years old, and apprenticed her to a collier ship; on which she served

four years, and then left the service because a brutal mate gave her a severe beating for being slow when called on watch. In 1815, when the British war vessel *Queen Charlotte* was being paid off, a negro woman was found among the crew, who had served eleven years at sea under the name of William Brown, and had become so expert a sailor that she was promoted to be captain of the foretop. She had all the peculiarities of a good sailor, and had kept her secret so well that no one suspected her real sex. This woman had been married, and had adopted a sailor's life to escape the abuse of a cruel husband.

From these instances it will be seen that women can and do become sailors. The cases cited are all of English women. No doubt Germany and France, Holland, Russia, and other lands, can produce their quota of females who served before the mast. The women above alluded to are said to have retained their virtue; and this may be true, as success in their chosen vocation depended upon their associates believing them to be all they appeared. But I am convinced that one of the greatest evils that has recently come into vogue in American merchant vessels is the employment of stewardesses. The custom is a most pernicious one. It almost invariably results in crime, and quite often in separation of man and wife. In my official capacity I was required frequently to take notice of such cases; but the evidence taken and the facts proved are unfit for publication.

I must here again call the reader's attention to a grievous cause of complaint on shipboard (alluded to in Chapter V),

namely, *the slop-chest*, from which seamen are compelled to select their clothing, frequently at fabulous prices. The contents of the slop-chest are generally a little private speculation of the master's; though sometimes it is monopolized by the owners, and occasionally belongs to the mate. But no matter who is the owner, the result is the same—in nine cases out of ten, the seamen are swindled by being charged exorbitant prices for the goods purchased. Many seamen start on long voyages very improperly provided for—in the way of clothing especially. Some have only the garments they stand in; they become saturated to the skin in the first storm, and, unless they can change their apparel, they speedily become ill. As they have no extra clothing to make a change with, they are compelled to resort to the slop-chest, take such clothing as is offered, and pay such prices as may be demanded, or go without. I have felt it my duty repeatedly to reject slop-chest accounts rendered me for clothing supplied sailors. The laws of the United States do not specifically recognize these accounts; and it is left somewhat discretionary with consuls to allow them or disallow them, as in their good judgment the charges may appear fair or oppressive. The nearest approach to a recognition of slop-chest accounts, by the Government, is to be found in Regulation 569, United States Consular Regulations, edition of 1868.\* The condition therein prescribed, contingent upon the allowance of any such bill, is that *the goods must be supplied at a fair price.*

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\* See Appendix B, Regulation 569.



I have now before me a slop-chest account, of which the following is a copy :

"THOMAS NIEL, *in account for Clothing, etc., with the ship*  
*ANAHUAC, Dr.*

" 1871.

" March 8 <sup>th</sup> ,	To one pair Mixed Trousers (cotton).....	\$5 00
" " "	two pounds Tobacco.....	3 34
" " "	two Blue Shirts (coarse wool).....	5 00
" 15 <sup>th</sup> ,	one Crimean Shirt (netted cotton).....	3 50
" " "	two pair Woolen Socks.....	3 00
" " "	two Under-shirts (cotton net).....	5 00
" " "	two pounds Tobacco.....	3 34
" " "	one pair Drawers (cotton).....	2 00
April 25 <sup>th</sup> ,	one pair Trousers (cotton).....	5 00
" " "	two pounds Tobacco.....	3 34
" " "	one pair Trousers and Jumper (oiled cotton)	7 00
" " "	two Crimean Shirts (cotton).....	7 00
Total.....		\$52 52 "

I objected to this bill as exorbitant, and some of the charges were reduced. The seaman made affidavit that several of the articles charged in the bill were not furnished, and the captain struck them out, but with a very bad grace. Dungaree trousers, bought in Boston for \$1 50 per pair, were charged to the poor seaman at \$5 00; damaged tobacco, which cost about 40 cents per pound wholesale, was peddled out in two-pound lots at \$1 67; a coarse woolen shirt, which cost about \$1 50, was charged at \$5 00; woolen socks, costing originally about 30 cents per pair, the sailor was made to pay \$1 50 for; and other articles in the same proportion, the profits accruing

to the owner of the goods being from three to five hundred per cent. It is in vain for the sailor to argue or complain to the captain about these prices. He must take the clothes at the prices demanded, or go without. The only remedy poor Jack has is to complain to his consul, whose duty it is to see that the goods are furnished at a fair price. There should be further Congressional enactment on this subject: a law should be passed requiring vessels to carry in the slop-chest a line of coarse but good, substantial clothing, which should be furnished to the seamen at a fixed scale of prices, by which the owner could make not more than ten per cent. profit; a printed schedule of these prices should be framed in a prominent place in the fore-castle, so that the crew could see what prices they would be required to pay before arranging to take the goods. Heavy penalties should be inflicted in all cases where inferior goods were supplied, or other than the schedule prices charged. There are plenty of merchants who would gladly fill the slop-chests on these terms, and pay the captain a handsome commission for selling the goods. The seamen in our navy and the soldiers in our army are supplied with substantial goods at a fixed scale of reasonable prices, and the poor sailors in the American merchant marine should not be treated less fairly.

I can not conclude this branch of my subject—the abuses existing in our merchant marine—without giving some space to a consideration of the character of the vessels used.

The late civil war inflicted a terrible blow upon the commerce of the United States, from which it is now only begin-

ning to recover. In 1871, not less than seventy-six per cent. of all the trade between this and other countries was carried on in foreign vessels. The Government has afforded a partial remedy by providing for the refunding to ship-builders of the duties upon articles entering into the construction of vessels.

During the year now closing, 1873, there has been a marked revival in ship-building. This is due mainly to the disadvantages under which British ship-builders have recently labored—namely, the scarcity of coal and the increased price of labor.

This auspicious revival of our commerce will probably lead to the substitution of iron for wooden vessels. Even while the difficulty of competing with our transatlantic rivals was greatest, iron ship-building was gaining favor. It is estimated that an A 1 sailing-vessel of 1000 tons' burden, built of iron in this country, at the present time, costs about one hundred and twenty-five dollars per ton—the cost of a wooden vessel of the same class being eighty-six dollars per ton. But this difference in cost is more than compensated for by the greater speed, safety, and durability of iron vessels.

It is astonishing how very ignorant the American traveling and commercial public are regarding the condition of the wooden vessels to which they intrust their lives and property. A great majority of these vessels are so old that they are literally rotten, not having a sound timber in them. And yet brave-hearted Americans heroically venture on them for long voyages. If the vessel encounter a gale, or bring up on a

reef, or strike a rock, it soon becomes evident to all on board that it is only one of the many rotten floating coffins that leave our wharves. Perhaps no mechanical operation demands so much and so careful consideration as the building of a ship—especially a wooden ship. She is made of a great number of parts of various forms and sizes, placed in all directions, each being dependent on the other for support. If one part become loose, the whole structure is more or less endangered. The great difference in strength between iron and wooden vessels was fully illustrated a few years ago, when the *Pacific*, a wooden steamer, and the *Persia*, an iron steamer, left Liverpool for New York. One of these vessels is known and the other is supposed to have encountered fields of floating ice; the *Pacific* has never since been heard from—she probably struck an iceberg, and sunk to the bottom with all on board. But the *Persia*, the iron vessel, ran plump against an iceberg, *at full speed*, and split it in two.

Merchant shippers, thoughtful men, looking well to the safety of their goods, recognize the superiority of iron over wooden vessels, by giving those built of iron the preference, and by paying higher prices for the privilege of shipping their freights in them. At Calcutta, one dollar per ton, and at San Francisco, sixty-two cents per ton more is paid to iron vessels. In the construction of wooden ships, the builder frequently encounters great difficulty in obtaining the peculiar pieces of timber best suited to his purpose; hence he is compelled to cut and splice and mould and bolt large pieces of timber together, so as to form his varied curves and lines. Every cut,

every splice, every bolt, is a source of weakness, no matter how carefully executed. But in the case of iron, there is no form of vessel too large or intricate, no beam so stout or strong that our forges can not mould it. In iron ships there are no knots, no sap, no cutting across the grain, no useless pieces: every inch has a use and purpose, and is of service. Timber vessels, after being in use a short time, become brittle by seasoning, and the wood soon loses its yielding quality: a run on a rock will knock a hole in the bottom, a heavy sea will crush in the side, and the passengers and cargo are instantly at the mercy of the waves. But a vessel built of good malleable iron may strike a rock with considerable force, and the only injury will be an indentation of the iron; the heaviest seas may beat against her sides, but the iron only bends. In wooden vessels there are innumerable seams, which are caulked with oakum, and this is covered with pitch: in tropical climates this pitch is melted and runs out; in heavy seas these seams open, and the vessel becomes leaky, and finally rotten. The seams of an iron vessel are far apart, and the iron plates are closely and solidly riveted together—there is no oakum, no pitch, no leaks, no rotten timbers. In America, we grow the finest ship-building timber in the world; but it can only be had just as it is grown by nature, and must be fashioned to its purpose mostly by hand, a long period being required for its preparation and seasoning before it can be worked. But a beneficent Providence has also planted in our land mountains of iron, which, by the aid of ingenious machinery, may be speedily fashioned into the exact sizes and forms required

for the largest or smallest vessels, whereby a great saving can be effected both in time and cost of labor.

A vessel built of wood is generally rated A 1 by the underwriters for the first ten years, while a vessel built of iron is rated A 1 for twenty years, and has a fair prospect of attaining the same rating for twenty years more, as it is not yet decided how soon an iron ship wears out. Thus, it will be seen, a great saving is made in the item of insurance. As iron ships are generally built in compartments, their destruction by fire is almost an impossibility. I conclude, therefore, that as vessels built of iron are swifter, safer from the general causes of wreck, and almost fire-proof, they are the most economical to the ship-owner.

## CHAPTER XIV.

Total Number of Vessels under the American Flag in 1871.—Vessels Built Abroad.—Increase of Wrecks.—Statistics for Comparison.—What are the Causes?—Defective Construction.—Overloading.—Over-Insurance.—Drunken Officers.—What are the Remedies?

IN the latter part of the first chapter of this work, I have incidentally alluded to the fact that we have among us here in America a class of ship-owners who are in the habit of sending to sea vessels which are old—whose timbers and rigging are rotten; that these vessels are badly provisioned, improperly provided with extra sails, spars, boats, etc., and insufficiently manned; and that they are overloaded. In this chapter I propose to consider some of these evils at greater length.

From the latest and highest official sources\* I learn that, in the year 1871 (the latest reported), the whole number of vessels under the flag of the United States was 24,867. This number includes steamers and sailing-vessels, ships, barks, brigs, schooners, sloops, and every other style of rig, but does not include unrigged vessels, such as canal-boats or barges. The increase for 1872 is estimated at 1300. Large as this number is, I have every reason to believe that

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\* From the Mercantile Navy List for 1871; published by the United States Government.

it does not comprise more than one half the number of vessels owned by the capital of American merchants, since many American-owned ships are now sailing under foreign flags, mostly British. When an American merchant spends his money out of the country for ship-building, he can not have the use of his country's flag to shield his foreign-built property. This is done, of course, to protect our home industries, and compel our citizens to spend their money at home, and is, in one sense, a good provision. Our merchant ship-owners who build abroad claim that they not only build cheaper, but that the work is done better. As to this, I am not capable of judging; but of one thing my readers may be easily convinced—American sea-going vessels are not as well built nowadays at home as they were thirty or even twenty years ago. This is evident from the fact that more American-built vessels are now lost annually, in proportion to the number built, than formerly; and of those lost, many are comparatively new vessels. This may seem strange when we consider all the great modern discoveries in nautical science, and the modern improvements in ship-building; but statistics prove the statement to be correct. I have obtained from another high official source\* the number of vessels constructed in the United States during a given period some thirty years ago, and the number of vessels lost belonging to the United States during the same period, and it is herewith appended :

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\* The United States Register's Office, Washington, D. C.



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	No. of Vessels Built.	No. of Vessels Lost.
1841.....	762.....	112
1842.....	1021.....	184
1843.....	482.....	148
1844.....	766.....	139
1845.....	1038.....	105
Total.....	<u>4069</u> .....	<u>688</u>

By the above statement it appears that there were 4069 vessels built in the United States during the five years enumerated, and during the same period 688 vessels under the American flag were lost, which is nearly equal to 17 per cent. of the number built. Now if we take the statistics of five years nearer our present time, we will find that the ratio of loss has increased to a most remarkable extent. Here are the figures :

	No. of Vessels Built.	No. of Vessels Lost.
1868.....	1146.....	462
1869.....	1150.....	471
1870.....	1096.....	523
1871.....	1058.....	416
1872.....	<u>937</u> .....	<u>305</u>
Total.....	5387.....	2177

In the above statistics the number lost is equal to over 40 per cent. of the number built, which is an increase of over 23 per cent. over the ratio of disasters indicated in the preceding table.

The question naturally arises, What is the cause, or what are the causes of this increase of wrecks of American-built

vessels? I answer, as to wooden vessels, that the causes are various. Our wooden vessels are not as well constructed as they used to be. The timber is insufficient in quantity, not so good in quality, not so carefully selected, not so thoroughly seasoned; the timbers are not so strongly bolted together; iron bolts are used instead of copper, and, even where copper heads appear, the shaft of the bolt is frequently of iron. Where in former times it required years to build a ship, it is now done in a few months. When a close-fisted ship-owner desires to build a vessel, he contracts with the ship-builder who will do the work for the lowest possible price. The ship-builder is as desirous to make money as the ship-owner is to save it, hence he never drives a bolt or screws on a nut that can be saved; and some are so corrupt as to put in short bolts, which only go part of the distance required, or the copper head terminates in an iron shaft. All iron in a sea-going vessel, when unprotected by paint or cement, is affected very injuriously by sea-water, bilge-water, and by the gases and chemical action arising from certain cargoes; while copper will remain unaffected, and outlast any wood. Now when a vessel, constructed of knotty, sappy, badly seasoned timber, some of it cut across the grain, improperly bolted together with iron bolts, has been at sea a few years, the wood contracts, the iron becomes oxidized, the timbers rot, and, if the vessel is caught in a storm, it goes ashore or strikes a rock, and falls to pieces like a house built of cards.

Another great cause of shipwreck, and this is not peculiar to American ships, is overloading. A large majority of

vessels go to sea too deeply laden, so that when a storm of even usual magnitude arises they are taken at a great disadvantage, and frequently go to the bottom, carrying down many valuable lives. I know several New York and Boston firms in the China, East India, and Southern trade, who have become notorious for overloading their vessels. With such firms a vessel rated of one thousand or twelve hundred tons' burden is made to carry fifteen hundred to two thousand tons. This is almost invariably the case on the homeward voyage, when the cargo is valuable, and, the distance being great, the owners desire to carry as much as possible, sometimes overreaching themselves and losing all. I was once on board the bark *Rocket*, a vessel belonging to a well-known Boston firm, in a gale for three days, and during nearly the whole of that time the main-deck was under water. She was constantly shipping heavy seas, and was so deeply laden that the scuppers would not carry off the water. After the storm ceased, the ports were opened, and the water rushed out as from a mill-race; but during the prevalence of the storm, knowing her to be a very old vessel, we all expected to go to the bottom.

Sometimes the greed of gain is so strong that even the decks are crowded with freight—the vessel is overloaded to such an extent that the cargo can not all be stowed in the hold, and it is piled up on deck. During my residence at Singapore, I saw a most notable instance of overloading. The ship *Maria Rickmers*, from Shanghai to New York, loaded with tea and miscellaneous cargo, struck a rock, and put

into Singapore for repairs ; the entire cargo had to be taken out, and when the ship was repaired and ready for sea, it was found to be impossible to get the cargo back again, and a good part of it had to be left behind. When a vessel has a deck load on, it seriously interferes with the sailors in the working of the ship, as they can not possibly move about expeditiously over a deck that is crowded with barrels, boxes, and bales. Hence, if struck by a sudden squall, the masts of the ship may go down before the canvas can be taken off her ; and the vessel, cargo, and men be at the mercy of the wind and waves, merely because too heavy a load caused a fatal delay.

Ship-owners who send badly constructed vessels to sea, and overload them, are also amenable to the charge of sending out ships on long voyages badly provisioned — *i. e.*, insufficiently manned, and not properly provided with extra sails, boats, spars, etc. I have gone on a long voyage in a vessel in which there were over twenty persons, and to our dismay we found, when far out at sea, that there was but one small boat on board, and that merely a flat-bottomed skiff. Had any accident happened, by which we should have been compelled to take to the boat, some of us must inevitably have been lost, as we could not all have got on board of the one boat ; and the lives of those who could be taken in her would have been imperiled.

A bark of five hundred tons should have at least twelve to fourteen men as sailors, to handle her canvas. A ship of one to two thousand tons should have at least twenty-five men to

manage her. But these numbers are seldom engaged, and only by ship-owners of the first class. I have known barks to go from Boston to China and back with only six men in the forecastle ; and large ships in the East India trade, with only from fourteen to sixteen men. Now any person at all familiar with the large amount of canvas carried by a ship when under full sail will readily understand how impossible it is for fourteen or sixteen men to strip the ship in case of a sudden emergency. Hence there are many disasters from vessels dismasted by being suddenly struck by a squall, not having men enough to take in sail. Very frequently, when making up estimates of expenditures for repairs, ship-masters have complained to me that they had not enough men to handle the vessel ; that the accident would not have occurred if there had been a sufficient crew to strip the ship. This was owing to the parsimony of the owners, as every man added to the expense of the ship by requiring more food and more pay. If the weather proved good, the voyage would be safely made by a short crew ; if the weather proved foul, and the voyage a rough one, then the ship and cargo might be lost, but the loss would be covered by the insurance, and the owner would lose nothing. This is evidently the mode of reasoning adopted by such ship-owners. If they put on board a partial set of extra sails, and an extra main-yard, that is about as much as they think necessary.

Another cause of wreck is the fact that vessels in our day are built too long and too narrow ; and the reason given for this style of marine architecture is that a long, narrow vessel

will carry twice as much freight, and run somewhat faster, than a short vessel of broad beam. Speed and quantity *versus* safety; lucre *versus* life. There are iron ships in the New York and Liverpool trade more than ten times as long as they are broad; that is to say, a vessel of thirty feet beam is over three hundred feet in length. A wooden vessel, or even an iron vessel built in this style, if driven upon a rock or reef any where near midships, would break in two in a very short time. We had a notable example of this in the case of the *Atlantic*, recently wrecked on the coast of Nova Scotia, by which more than five hundred valuable lives were sacrificed. The *Atlantic* was an iron vessel, four hundred and forty feet long, and only forty-one feet wide. For weeks before this terrible disaster occurred, the New York press was teeming with warnings in regard to disaster from this very cause; an intelligent writer in one journal had several articles on the subject, pointing directly to the White Star Line, which owned this ship, predicting disastrous wreck, and although a prophet of ill omen, he proved too soon to be a true prophet. To such an extreme is this *long and narrow* theory now carried, that many old ships are being lengthened, *i. e.*, they are sawed in two in the middle, and lengthened by putting in a section, which, be it ever so carefully done, can not but weaken the ship. The *Celtic* and the *Adriatic*, of the White Star Line, are each four hundred and fifty feet long, and only forty-one feet wide—or nearly eleven times as long as they are wide. Should one of these vessels at any time lose a rudder in a stormy sea, it would require no prophet to predict her fate. Should one

of them get aground—as did the *Baltic* of the same line, in October, 1871, in the River Mersey—they are liable to break in two, or turn completely over with a falling tide.

Many of our coast-line vessels are old, worn-out hulks, in danger of disaster every time they go to sea, and yet they are kept running until they fall to pieces. Several of the steamers of the Pacific Mail Company on the Atlantic coast may be classed in this category, and ought not to be allowed to proceed on long voyages, filled with scores of passengers. The steamers of the Atlantic Mail Company, running to Havana, are in a very bad condition, as are several of those running to New Orleans and the Mexican and Southern ports, and to the Bermudas. Very recently the old steamer *Niagara*, belonging to one of these lines, got aground near the Bermudas. She was aground amidships, while the bow and stern were free. With the falling tide, the old ship was in great danger of going to pieces; but finally got off, went into port, waited for fair weather, and then returned to New York. After a survey, the underwriters concluded it was cheaper to buy the ship than to repair her; so they offered the company sixty thousand dollars for her, which the company very gladly accepted. The underwriters then turned round and sold the ship for twenty thousand dollars, and the same company bought her, thereby netting a clear forty thousand dollars. They will, perhaps, expend ten thousand dollars in repairs, paint, etc., and the rotten old hulk may again appear upon the line, in which case we may expect to hear soon of another wreck.

Not a few instances are on record in the offices of American underwriters of old and worn-out sailing-vessels, sold for a mere nominal sum, being repaired, repainted, and furnished up by the purchasers ; then, having secured a good round sum by insurance, in the course of a few voyages the vessel would be overloaded and wrecked, the unscrupulous owner caring nothing for the crew, as he made perhaps twice what his ship cost out of the insurance company. Many vessels and cargoes go to sea insured for more than their full value, and this is one of the principal causes of the wreck of old vessels ; the owners being wicked enough to lose them *purposely*, so as to get the insurance. It might be supposed that the underwriters' agents, the ship surveyors, would correctly report the true condition of vessels to their employers—they would in a majority of cases—and thus prevent over-insurance. But I have had to deal with these agents in an official capacity at Singapore, and I found they were no better than other men ; and that money, when offered in sufficient quantity, would cause them sometimes to think a rotten old hulk “stanch, stout, and strong.” As we had an excellent graving-dock at Singapore, many American vessels came in there to be repaired, and I often had to appoint boards of surveyors to estimate the amount of the necessary repairs. On these boards I frequently placed one of Lloyd's surveyors. But the expenses for slight damage to vessels were often so heavy that my suspicions were aroused ; and by inquiry I found that the Lloyd's surveyor was interested in having repairs done in the graving-dock, and the larger the



amount of repairs, the greater his interest. In some cases the captain of the ship to be repaired received a *douceur* for his influence in favor of the graving-dock. I have had to appoint as many as four surveys before I could get a proper estimate of the outlay for repairs to a vessel. All these expenses are paid by the underwriters, and generally without a murmur; for if a marine insurance company hesitate to pay for the repairs to or loss of a vessel insured, or stop to investigate the cause of loss or damage, it suffers greatly in its business by misrepresentation. Insurance companies are often losers from over-insurance on vessels and freights, and from excessive outlays for repairs. A case is now pending with one of the oldest and wealthiest marine insurance companies in New York, wherein they have been sued for the value of a large amount of gold, said to have been shipped on a vessel that was afterward wrecked, it is supposed purposely. The company doubted that the gold was on the vessel when she was wrecked; and at considerable expense made a thorough examination of the wreck, which proved their suspicions to be correct, as not a particle of gold could be found on board the sunken vessel.

On account of the frauds practiced on the underwriters, in these and other ways, the rate of marine insurance has steadily risen from five or six per cent. per annum, in 1845, to twelve per cent. This is, indeed, an onerous tax upon our mercantile interests; but the necessities of the case required that the companies should protect themselves.

Drunken officers are another cause of marine disasters.

Vessels are frequently in charge of officers who are addicted to liquor *when at sea*, but who never taste any thing stronger than coffee when ashore, and who are therefore supposed by the ship-owner to be sober, trustworthy men. If there were no such thing as marine insurance, then every ship-owner would carefully guard his property and interests: vessels would not be overloaded; drunken officers would not get employment; vessels would be overhauled after every voyage, and refitted and repaired. It is not too much to say that with marine insurance comes less care on the part of ship-owners, less interest in the safe arrival of their vessels, less repairs, less care as to the ability and fitness of the officers, and, as a natural result, a terrible increase in marine disasters, and loss of life and property. Twenty-five or thirty years ago, our mercantile marine gave promise of quickly becoming the finest on the globe. Our captains were interested in their vessels. We were successfully competing with England for the commerce of the world; our clipper ships were (and still are) the fastest sailers known; our officers were sober men, the best navigators, and the smartest and shrewdest traders; every sea-port turned out good and true men, of whom we were proud. But the tables are turned on us. England offered many of our best masters better pay, and thereby secured their services. We could not afford to lose them, for we are forced to depend on inferior officers. Many of our officers are naturalized foreigners; and unless some method is fixed upon to recover our lost ground, we are in danger of being entirely in the hands of foreigners, as far as commerce is concerned. We must build better and

stronger vessels ; we must institute port schools for those wishing to enter our merchant marine, and teach navigation in our public schools ; and we must foster and show more care for our *native* sailor element. A hundred American ships may founder at sea, and go to the bottom with all on board ; but, unless they have passengers whose friends have great influence, no one ever hears of an investigation as to the cause or causes of the wreck. No ship-owner has ever been held criminally responsible for sending to sea a badly constructed, overloaded vessel ; or one that was short-handed or improperly supplied, or that was old and rotten. That is a matter between the owner and the underwriters. There is an old law in Holland which makes it a felony for any ship-owner to insure his vessel for more than two thirds her real value ; infringement of this law causes the owner to suffer heavy penalties, and to be disgraced. The value of the vessel to be insured is decided by a public officer. By this means the owner retains a one-third interest : if the vessel is lost, he loses that third ; and to protect it, he looks well to the ship and her officers. In France, no unseaworthy vessel is allowed to leave port.

The shriek of the drowning sailor, the wail of his widowed wife and orphaned children, is unheard by the greedy ship-owner ; but the interests of justice and humanity alike demand that something be promptly done to put an end to these horrible crimes, these terrible marine disasters. The poor sailor has no power in the matter ; he seldom considers the age or condition of a vessel when he desires to ship ; his

necessities are great—he *must* go to sea, and he cares little where or how. Occasionally one may be found who objects to a certain captain as cruel, or to certain vessels as unseaworthy; but the great majority ship recklessly, and many never return. A law should be enacted by the Congress of the United States similar to that in force in Holland, making it a felony for a ship-owner to insure his vessel, or the cargo therein, for more than two thirds its value, with penalties of confiscation, or of fine and imprisonment. This would prevent over-insurance. A load-line should be established by law for all sea-going vessels, and this line should be distinctly painted on each side; heavy punishments should be meted out to captains or owners who infringe this law by sinking their vessels beyond this line in the water. This would prevent overloading. Government inspectors should be appointed, in conformity with an Act of Congress to be enacted to that effect—men of character, above bribes, whose duty it should be to go on board American vessels after every voyage to inspect the vessel; and they should be empowered to order, at the expense of the owners, such repairs as they deem necessary for the safety of passengers or crew. No American vessel should be allowed to leave a port in the United States if deemed unseaworthy or too deeply laden by the inspectors.

We have all kinds of laws enacted by our national, state, and municipal governments for the protection of human, and even brute life, ashore; but little or no care is taken of the life of the poor sailor afloat. And yet we hypocritically cant

in our public assemblages about the *parental* solicitude of our Government for poor Jack. I have endeavored herein to expose some of the cruelties, wrongs, and injustice practiced upon him; it is for those who are high in power and station to enact and carry out the remedial laws. Those most deeply interested in the American sailor's welfare, after the poor sailor himself, are the honest, liberal-minded, incorruptible American merchant and ship-owner.

During the last session of the British Parliament an Act was passed which contains several important provisions concerning unseaworthy ships. For safety and the prevention of accidents there are several sections of a most important character. Where the Board of Trade have received a complaint, or have reason to believe that any British ship is, by reason of the defective condition of her full equipments or machinery, or by reason of overloading, unfit to proceed to sea without serious danger to human life, they may appoint a competent person to survey such ship and the equipments, machinery, and cargo thereof, and to report thereon to the board. A penalty of £50 is to be incurred for obstructing such survey. The board, on receipt of a report that such vessel is in an unfit condition and dangerous to human life if she proceed to sea, may order her detention until the alterations required are made. The costs of the survey are to be paid by the owner. On a complaint to the board of a defective vessel, the board may require security to be given for the detention and loss sustained if the vessel be not in the condition alleged, and the board to be liable to the owner for loss sustained when a sur-

vey is ordered and the vessel declared to be seaworthy. On appeal, the court before which the case is heard may order another survey.

The passage of this Act was due to the agitation raised by Mr. Plimsoll, the member for Derby. A Royal Commission was also appointed, styled the "Unseaworthy Ship Commission." Mr. Plimsoll was not satisfied with the composition of the commission; and from what has been published in relation to its investigations, his objections appear to be justified. "The freedom of British enterprise, the inventive genius of the British ship-builder, and the property of the British ship-owner" have carried the day against the lives of British sailors. The commission objects to a fixed load-line; and considers it impracticable to deal with deck-cargoes; and refuses to report in favor of the examination of ships for the purpose of detecting unseaworthiness, because such examinations would not be acceptable to ship-owners.

It is evident, from carefully prepared statistics, that upon one half of the British ships wrecked on the home coasts (1862-71), whose value is given, the insurance exceeded the estimated value by two millions sterling.

## CHAPTER XV.

The Vessels of the United States Navy, and their Present Miserable Condition.—Comparison of Cost between the United States and British Navy as to Vessels.—The Officers of our Navy.—What they should Know.—Their Pay.—Comparison with the Pay of British and German Naval Officers.—Too Many Officers.—How Much the Navy Costs.—Jealousy.—The Lust of Rank.—Volunteer Officers.—Jealousy between Navy and Army Officers, Diplomats, and Consuls.—Navy Paymasters as Defaulters.—Why are they not Punished?

Now I must devote a few chapters to our national sailors. The United States has, perhaps, the most defective navy of any first-class nation—certainly so far as vessels are concerned. We have officers enough to compete with the largest navies of the world, but we have not a sufficient number of available sea-going vessels, in good order, to give employment to this immense “navy of officers.” By reference to the “Naval Register” of 1872, we find that the vessels of the United States Navy comprise one hundred and seventy-seven vessels, of all rates, rigs, and classes; and these are propelled by screws, paddle-wheels, and sails. Some are built of wood, some of iron, some are a combination of both. There are four rates of steam-vessels, four rates of sailing-vessels, three rates of iron-clads, twenty-seven tugs, and one yacht. We

have five screw-steamers of the first rate—four of wood, and one of iron; thirty-two wooden vessels of the second rate, varying from two to four thousand tons' burden—fifteen of these are unfit for service, being rotten. We have also three paddle-wheel steamers of this class; but one of these is rotten, and unfit for service. There are twenty-one screw-steamers of the third rate, from one thousand to two thousand tons' burden—three of these have been condemned as unfit for service, three of them are being rebuilt, and others are undergoing extensive repairs. There are also three paddle-wheel steamers of this class; but they are very inferior, and are merely used as tenders to squadrons. The wooden vessels of our navy are of little or no account as war vessels in this age of iron, hence they are being rapidly broken up. We have apparently a formidable fleet of iron-clads, fifty-one in number; but their formidable character is only for the eye, as they are almost entirely useless as vessels of war. Thirty-eight of these are laid up at the various navy yards, needing more repairs than they are worth, and they will never be repaired. Three are being fitted out, three are on the stocks, one is unfinished, one is repairing, one is at the Naval Academy, two are in commission, *and only one is attached to a fleet—the Terror*, attached to the North Atlantic fleet. We have also one yacht and twenty-seven tugs; and there we stop, for this list comprises all the vessels, of every kind, which go to make up the great and glorious United States Navy—which has cost nearly three times as much as the same number and class of vessels of any other navy in the world, and is, at the same



time, the least competent navy of any first-class nation. These facts seem to prove very conclusively that the money of the people has been squandered by villainous officials, mostly of the civil service, in naval jobbery. Enormous sums have been expended in corrupt contracts to build a large number of vessels, which, after being finished, are found to be utterly worthless for naval warfare; indeed, some are never to be finished, being abandoned by the Government after hundreds of thousands of dollars are laid out upon them.

Every vessel in the United States Navy costs the American people, on an average, at the present time, \$138,944 per year; while the average cost of each vessel in the British Navy (the best in the world) is only \$69,000 per year. Every ton in the tonnage of the United States Navy costs \$151 10 per year; while the average cost of the tonnage in the British Navy is only \$72 66 per year. To keep the United States Navy afloat—to keep it in repair—costs \$600 per man per year; but the British Navy is kept in most excellent condition at the rate of \$60 per man per year—or one tenth the cost of ours.\* The estimate for repairs to vessels of the United States Navy for one year was \$6,975,000; the repairs to the British Navy for the same period (1869–70) cost only \$3,000,749, including machinery. If our navy were managed as well, as economically, as the navy of Great Britain, it would be kept in splendid condition for \$480,000 per year, instead of the enormous sum of \$6,975,000 it now costs. The expenditure on the British Navy is less than one half the amount

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\* See Estimates for 1869, 1870, 1871.

expended on the United States Navy, and, notwithstanding this immense and unheard-of outlay on our part, our navy has run down to the lowest ebb. The fault does not lay in the *personnel* of the navy, but in the making of corrupt contracts, and the employment of swindling contractors and supervising officials, and somewhat in the lack of efficiency, energy, and spirit in its present administration.\*

So much for the vessels of our navy.

We now come to speak of the officers of the United States Navy—the men who occupy positions of command on our naval vessels. Crabb, in his “English Synonyms,” tells us that “men of all ranks are denominated *seamen* (sailors), whether officers or men, whether in a merchantman or in a king’s ship.” I shall presume that no officer who is worthy to wear the uniform of the United States Navy is ashamed to be classed as one of our sailors—no more than the most distinguished general of the army would blush to be called one of our soldiers. If officers are not perfect sailors, they are not fit to command—no one will deny that. We have had, and still have, some splendid officers in our navy—men, the splendor of whose heroic deeds will shine for centuries to come. But, alas! fears are entertained that the good old stock is running out. There is too much tinsel, too much show, too much theory, and not enough practice in the making of our naval officers of the present day. To be a competent officer, as well as a thorough sailor, a naval officer should be familiar with every duty, and able to perform every duty perfectly,

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\* See Speech of Representative Dawes, 1870.

which can or may be required of any man aboard his ship. He should be a *perfect* sailor in every sense of the word, understanding the use, make, and management of every knot, rope, spar, and sail of the ship. He should understand how to plan and construct a ship—the best woods, the best metals, the best fastenings, the best models. He should know the quantity, strength, and cost of the different materials in a ship; the best ports in which to refit and repair; the shortest routes thereto, and the most favorable seasons to enter thereat. He should be a superior navigator, and therefore he should understand all about tides, currents, shoals, and reefs. He should have a perfect knowledge of the theory of storms, hurricanes, cyclones, and typhoons. He should be thoroughly acquainted with the nature of steam and the steam-engine; the different kinds of fuel, and the steam-producing qualities of each, and the quantity required for a given voyage. He should be conversant with international and statutory law, and be familiar with the rules governing the navies of the world. He should be a good gunner, a perfect swordsman, and a strategist and tactician of no mean ability. These should be some of the requirements of the officers of the United States Navy—a service that has in the past uniformly reflected honor and fame on the American people, knowing no defeat,\* but coming victorious out of four wars. The degree of efficiency which we have here indicated is by no means perfect; but it is feared there are some, who rank high in the service, who would not come up to even this standard.

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\* The Korean expedition was a blunder.

The pay of the officers of the United States Navy is generally at a higher rate than those of other navies. As far as salaries go, our officers are the best paid of any navy on the globe, rank for rank, except a few of the officers of the higher grades in the British Navy, who are allowed "table-money," in addition to their regular salaries, when in chief command on foreign stations. As a proof of the fact that our officers are well paid, it is only necessary to state that below the rank of commodore they receive, in many cases, more than twice as much as officers of corresponding rank in the British Navy. The following table will enable the reader to make a comparison of the pay, according to rank, in the United States and British naval services. In addition to the pay here laid down, each officer of the United States Navy is entitled to one ration per day, valued at thirty cents, which is commuted and added to his pay:

	British.	United States.
Admiral* .....	\$8,833 00.....	\$13,000 00
Vice-Admiral* .....	7,066 40.....	9,000 00
Rear-Admiral* .....	5,299 80.....	6,000 00
Commodore* .....	5,299 80.....	5,000 00
Captain.....	2,907 50.....	4,500 00
Commander.....	1,766 60.....	3,500 00
Lieutenant-Commander.....	(no such grade)...	3,000 00
Lieutenant .....	971 00.....	2,600 00
Master (Sub-Lieutenant).....	441 64.....	2,000 00
Ensign.....	(no such grade)...	1,400 00
Midshipman.....	154 54.....	1,000 00

\* These four grades get table-money in the British Navy when in chief command on foreign stations.

It is said to be the boast of the British naval officer that he serves and fights for the honor of his country. Nothing less than this should be said of our coming naval heroes, as certainly nothing less can be truthfully said of their predecessors. But, if one were to judge by the anxiety displayed to get into the service, and by a comparison of the pay-tables of each navy, an uncharitable person might suppose that some of our junior officers really served for pay—not for honor and country, glory and fame.

The navy of the German Empire—perhaps the leading military power now in Europe—is even more economically managed than that of Great Britain ; it is very small, and has but one admiral, whose pay is only \$3350 per year, with an allowance of \$1750 for table money—or, altogether, \$5000 per year, equal to a commodore in the United States Navy ; the vice-admiral in the German Navy receives \$3250 per year, equal to the salary of our lieutenant-commander ; and the rear-admiral of the German Navy receives \$2350 per year, which is not as much as our lieutenants receive. The other European navies are not more liberally paid.

The very generous salaries paid to our naval officers has had two evil effects : persons who are entirely unfitted for the service have sought and obtained positions therein from merely mercenary motives, and this has caused the navy to be overrun with officers. This latter fact will be readily apparent when we consider that, in 1870-71, the line and staff *officers* on the active list in our navy numbered *one thousand four hundred and nine* ; at the same time we had only *eight*

*thousand five hundred seamen.* There were also nearly three hundred warrant officers, such as boatswains, gunners, carpenters, sail-makers, and mates ; and about two hundred and fifty officers of all ranks on the retired and reserved list. Here we have a total of nearly two thousand officers. There was one officer on the active list for every six seamen. The generous salaries paid to this "navy of officers" has added very materially to the cost of our naval establishment ; indeed, it is beyond all reason or precedent, and the people are becoming tired of it as at present managed, and begin to complain through the press and their representatives in Congress. To keep up this naval establishment of less than ten thousand men and officers for one year, it costs the people of the United States over seven millions of dollars merely for salaries, and, of that sum, *over five millions of dollars was paid to the officers.* As before remarked, there are officers enough in our navy to man the fleets of the strongest naval power in the world, but we have very few seamen in comparison. There appears to be no valid reason why this swarm of officers should be kept in the service, when there is no apparent use for many of them : we have not ships enough for them to do duty at sea ; we have not appropriate commands for them at the navy yards ashore ; indeed, we have nothing for many of them to do, unless it is to be "on leave or waiting orders," and yet their pay goes on all the same. During the year 1870-71, there were, of the active list of the navy, only seven hundred and fifty-nine officers at sea, while six hundred and fifty were on shore—nearly as many ashore as afloat ; there

were ten rear-admirals—only five were at sea ; there were twenty-five commodores (a useless grade\*), but only three were at sea ; there were fifty captains—only ten were at sea ; there were ninety commanders—only thirty were at sea. During the above year twenty-four officers were stationed at the Washington navy yard,† so that they might enjoy the illustrious society of the capital—other reasons for their presence not being apparent. Our navy at that time consisted of only eight thousand five hundred seamen, the before-mentioned officers, and five hundred vessels of war of all classes, and yet it was estimated to cost the people of the United States \$28,205,671 for the fiscal year 1870-71 ; that is, nearly two and a half millions of dollars per month. The estimate for the British Navy (1869-70), which consisted of sixty-three thousand men, was only \$49,000,000 : they had eight times as many men, and the cost was not quite double ours.

I think these facts will go far to prove the assertion I previously made, *i. e.*, that our navy, in the high salaries of its junior officers, and in the enormous expenditures made upon its vessels, is the most costly navy in the world ; and at the present time the most defective, in vessels at least, of any first-class nation.

The utmost *jealousy* exists at times in our navy between the officers. I have known a chief of staff on board a flag-ship who did not speak to the commander, except in an official way, for months at a time ; they utterly despised each other

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\* See page 17, Report of the Secretary of the Navy, 1871.

† Speech of General Logan, House of Representatives, 1870.

through jealousy. The same feeling exists between the line and staff officers; the latter were recently successful in having a law enacted by Congress allowing surgeons, paymasters, engineers, and chaplains to rank with officers of high grade, and this is another thorn in the wounded pride of every line officer who opposed the law. We now find on the "Navy Register" doctors and paymasters, engineers and parsons, taking rank as captains, commanders, etc. It would be very odd to address the ship's doctor as Captain So-and-so, or the ship's parson as Commander This-and-that. If done, it is a great absurdity.

The volunteer naval officers, who served with great credit and gallantry during our civil war, and who are among the very best navigators now in our navy, have been very meanly treated by the promotion of the young graduates of the Naval Academy to fill vacancies, as they occurred, leaving the volunteer officers under those who are their juniors in age and service. Many of these volunteers held responsible commands during the war, while the young fledgling of the Naval Academy was learning how to box the compass. Hence there is jealousy between the volunteers and regulars, and the latter treat the former with contempt.

The jealousy between the late truly great and much lamented Admiral Farragut and the present Admiral Porter is a matter of world-wide notoriety. It has been stated by General Butler, in a speech in the House of Representatives, that Admiral Farragut when on his death-bed said, "Never raise that flag over me, nor carry it before my coffin—that flag which



has been imposed upon me by the man who expects to be my successor." This was in allusion to the new style of flag adopted by the Navy Department for the use of admirals, and which it was said the then vice-admiral had been instrumental in having adopted by the Department against the wishes of Admiral Farragut.

When Vice-Admiral Porter was nominated for the immortal Farragut's place, that warrior-statesman, General Butler, opposed his confirmation, on the ground that Porter had prevented his success in the taking of Fort Fisher, because of *jealousy*. In his celebrated speech on that occasion, General Butler said that "a naval officer (meaning a certain distinguished officer) could at one moment praise his commander, and at another moment malign him ; that he might at one moment write a sympathetic letter to the Secretary of the Navy, to get promotion and power, and at the same time abuse a man not then in power (meaning General Grant); and when that letter was brought forward, turn around and abuse the poor secretary who was not then in power, so as to gain the favor of the man (President Grant) who was then in power." He desired to know whether it were worth while to have an admiral of the navy who could not for two days together utter the same sentiment? Whether it were worth while to have an admiral who one day maligned, and another day hugged his commander? He desired to know if that were the man to put in the brave Farragut's place. Is that the man to set as an example before the youths of the navy? As the friend and associate of Farragut, he protested in the face of

the country that Congress should not step out of its way to tax the people for the purpose of putting honor upon the man who had dishonored the President, and had dishonored the navy.

There is also considerable apparent jealousy, to call it by no worse name, existing between our naval officers and the members of our diplomatic and consular service. The disgraceful part played by that branch of the navy belonging to the South American squadron, in the case of Minister Washburne and Messrs. Bliss and Masterman, is still fresh in the public mind, and will not soon be forgotten ; in that case the navy utterly failed to protect those Americans, or American interests in that locality. During the investigation of the affair by the House of Representatives, Mr. Maynard, of Tennessee, offered a resolution censuring a captain and a lieutenant of our navy, "for going to the camp of Lopez, and acting as inquisitors, who extorted false confessions from Messrs. Bliss and Masterman (Americans)—an act in which they were guilty of a grave offense, dishonorable to the American Navy and to the country."

In September, 1870, the commander of the United States ship *Famestown* landed a file of marines, under the command of a lieutenant, at Honolulu, charged upon the United States Consulate, and carried it by force, after a short but gallant resistance on the part of the consul and vice-consul. The cause of this outrage was the refusal of the consul to put his flag at half-mast on the order of the naval commander. It appears that about a month before this it was rumored that the Queen

Dowager Kalama, of the Sandwich Islands, was dead ; upon this rumor the flags of the British and French Consulates were set at half-mast. The rumor turned out to be false, and this placed the British and French consuls in a ridiculous position. But the queen dowager did die a short time afterward, and the foreign representatives again half-masted their flags—except the United States consul, who, bearing in mind the former false report, determined to await official notice of the sad event before lowering his flag. The omission of the consul was noticed by the naval commander from the deck of the *Jamestown*, and very soon an officer from that vessel called upon the consul, and stated that the commander ordered the flag of the Consulate to be lowered to half-mast, and to be kept so as long as the war vessels in the harbor had theirs in that position. The consul replied that he could not receive orders from a commander in the navy, but should await and obey orders from his superior officer, the American minister resident, who had not, as yet, notified him of the death of her majesty. Soon afterward the marines from the *Jamestown* were landed, and the American consul's flag was lowered by force, by the men who were paid to uphold it, by order of a commander in the United States Navy. Here was a high-handed outrage upon the consul of his country ; here was an insult to the Hawaiian Government by landing foreign troops on her shores ; and for these outrageous and unauthorized acts the naval commander was severely *censured* by the Government. It is very doubtful if the commander would have proceeded to such extreme measures with the

United States consul in the dominions of any civilized or European government ; it is not probable that he would have landed the marines on British territory, or lowered the United States consular flag in the port of Liverpool by force. As the Hawaiian Government was but a petty principality, the case was entirely different. The censure of the Government was a very mild punishment for the offense. Many naval officers of high rank think that they are all-powerful on foreign stations—believing that they have power to suspend consuls and close Consulates when they deem such action proper. I am not aware of any law conferring on them any such prerogatives. In this case the commander exceeded his powers, and was guilty of a grave offense ; but being an old and a faithful officer, the Government in a great measure overlooked the matter.

The jealousy of some of our naval officers has even extended to the representatives of the press. It has been stated by a Japan or Shanghai correspondent of the *New York Herald*, that when the American fleet were preparing to precipitate that silly blunder, the Korean expedition, the *Herald* correspondent was refused permission to accompany the expedition by a rear-admiral, who, at the same time, granted permission to a foreign photographer.

More recently a *Herald* correspondent complained that he was refused permission to visit the United States ship *Brooklyn* when the President of the Spanish Republic was received on board at Barcelona. If the captain were guilty of this rudeness, he made a very serious mistake ; many true American

officers aboard his ship no doubt felt the affront to their countrymen in the person of the correspondent. The true American naval officer does not allow his head to be turned by trifles, or vanities, or foreign festivities.

The position of paymaster in our navy has of late attracted much attention owing to the many defalcations of officers holding that rank. In a very few years the loss to the Government from defaulting navy paymasters *has exceeded two millions of dollars*. And yet—will it be believed?—not one of these genteel thieves has been imprisoned for stealing, as they should have been. Some have been tried by navy courts-martial, and convicted of “Scandalous conduct, tending to the destruction of good morals,” “Embezzlement,” and other mild and genteel names for stealing or robbery. But, although convicted by courts composed of their honest brother officers, and sentenced “to be dismissed from the navy, to be imprisoned, and to be fined,”\* the good, kind-hearted, and very honorable Secretary of the Navy has invariably ordered the fine and imprisonment to be remitted; and these official thieves, who disgraced themselves and the honorable service of which they formed a part, were very quietly and gently dismissed. Perhaps some good citizen may ask, “Why not prosecute these fellows by indictment under the common criminal law?—why not at least secure the amounts recoverable from their bondsmen?” I am not able to answer the questions, unless it be that thieves in the naval service are beyond the reach of the common law. There have been known, within a very few

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\* See General Order No. 162, Navy Department, 25th March, 1871.

years, eight defaulting paymasters, but I have yet to learn that one of them has been imprisoned or otherwise punished except by dismissal ; or that their bondsmen have been called upon to make good the loss sustained by the Government in consequence of their robberies. Such officers as those alluded to become notorious abroad for the gayety and extravagance of their families, as accepters of presents from compradores, susceptible to bribes for granting contracts for ship supplies, as having a penchant for the finest diamonds and precious stones, the finest watches and chains ; and this notoriety sometimes attaches to corrupt superior officers, with whom the paymaster is supposed to share his spoils. Of course, such persons are a disgrace to the navy, and their criminal conduct seriously injures the many good and noble men who are an honor to the service. I can not but think that the Secretary of the Navy has been very derelict in his duty in not having these kleptomaniacs undergo long terms of imprisonment. He attempts to shield himself from censure\* by means of imaginary defects in the law under which they were tried ; but if such were the case, he could at least hand them over to the District Attorney, and allow him to prosecute them in the criminal courts. Otherwise, the sooner the laws are amended to meet such cases, the better it will be for the interests of the United States Treasury. When an *army* paymaster steals any of the Government money (which, by the way, is a rare thing), he is tried, convicted, sentenced, and confined in state-prison, until the injured majesty of the

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\* See General Order No. 162, Navy Department, 25th March, 1871.

law is somewhat appeased ; but he is ever afterward a branded felon. There is no good reason why the same law should not be applicable to *navy* paymasters, provided the Secretary of the Navy is conscious of the same responsibility regarding the public funds as the Secretary of War appears to be. There is an old adage that "a fellow-feeling makes us wondrous kind," but it may not be applicable in these cases.

On the 8th of January, 1873, Paymaster W. G. H——, of the navy, was arraigned before Commissioner Davenport, at New York, for conspiring to rob the United States of some fifteen thousand dollars. It appears that H—— was attached to the *Saco*, of the European fleet, and had been suspended by Rear-Admiral Boggs on a charge of being deficient in his accounts. The paymaster, fearing exposure and dismissal, became on intimate terms with the ward-room steward, one George W. Reid, a native of South America ; and, to cover up his frauds, he made a scapegoat of Reid. When the *Saco* was at Villa-Franca, the paymaster requested Reid to take ashore for him two bags of gold, containing about six thousand dollars. The steward complied with this request, and, not meeting the paymaster ashore, he visited several of his haunts, and finally brought up at the railway dépôt, where he was arrested with the gold in his possession by two officers of the *Saco*, to whom he gave the bags of gold. He was tried by court-martial on a charge of robbing the paymaster ; and, no one believing his story, he plead guilty, and was sentenced to five years' imprisonment. He was sent to this country in the *Guerriere*, on board of which vessel Paymaster H——

was also a passenger. H—— visited Reid in his place of imprisonment on the *Guerriere* four times during the voyage, and urged him to keep his mouth shut, promising to get him released within three months. On Reid's arrival here he was confined on the receiving-ship *Vermont*, in New York harbor; and there a lawyer, sent by H——, visited him twice in December, 1872, requesting him to sign a false affidavit, setting forth that he had stolen fifteen thousand dollars in gold from the paymaster of the *Saco*. The lawyer told Reid that H—— would procure his immediate release, and pay him one thousand dollars in gold, if he would swear to the false statement. It also appeared that Paymaster H—— had sworn to such a statement, and sent it to the Navy Department, praying that he and his bondsmen might be released from all claims, as he had been robbed by Reid. When the case is tried, if ever, Paymaster H—— will most probably escape because of defective laws, although the law officers have no doubt whatever of his guilt—and they have so expressed themselves to me. Poor Reid should be released, as the circumstantial evidence is in his favor.



## CHAPTER XVI.

A Naval Officer should be Secretary of the Navy.—Defective Discipline.

—Shirking Duty.—The Honorable Record of the *Narragansett*.—

Intoxicating Liquors.—Pestering Congress for Rank.—How Ridicu-

lous some Grades Appear.—The Seamen of our Navy.—How Cruel-

ly they are Punished.—Case of Commander Semmes and Others.

THERE are many defects in our navy which the practiced mind of a thorough disciplinarian might remedy. The service needs as its actual head some true old salt who thoroughly understands his business, to mould into proper shape the questionable material now supplied through mere political influences. Such a man should take his seat in the President's Cabinet as Secretary of the Navy, making the present titular figure-head of the Department merely his legal counselor. Unless this measure is adopted, our navy will in the future, as in the recent past, be a costly toy for corrupt officials, be mismanaged, and sink into rapid decay. It has been the custom to appoint as Secretary of the Navy some country lawyer, unknown to fame or to the service—utterly ignorant of seamanship, naval equipment, and architecture, and not knowing a jib from a spanker; and although he is supposed to be advised by the best officers of the navy, yet it is plain that he can not be as capable as one who has been brought up in the service, and is conversant with all that pertains to it. Hence we have

corrupt contracts for worthless vessels, enormous salaries in the minor grades, swarms of unnecessary officers, and defective discipline.

In past years it used to be a matter of pride with our naval officers to perform much service at sea ; indeed, it was a matter of reproach to appear to court shore duty ; but a late general order from the Secretary of the Navy (June, 1872), might lead one to think that some of our modern officers prefer to pass most of their time on shore, "ambling in my lady's chamber," and use influence to obtain the desired boon. The order reads :

"Whenever an officer at sea, or ordered to sea, shall be relieved *at his own request*, he shall have no claim for shore duty until he shall have made a cruise of the usual length. When an officer shall be transferred from one shore station to another, the time spent at all the several stations shall be put together, and counted as his term of shore service, at the expiration of which he must, at all times, hold himself in readiness to join a ship without delay. It is proper that junior officers should have the opportunity to acquire as rapidly as possible the requisite experience at sea, and that the more constant and severe duties of the service should devolve upon them. They must, therefore, expect little employment on shore, and must, at all times, hold themselves in readiness for sea service. All officers are reminded of the impropriety of seeking to evade their proper tours of professional duty on personal considerations, or through the intervention of influential friends, thus seeking to impose upon others service which it is their

own duty to perform, and perhaps hardships and dangers which belong of right to themselves."

We have had recently, in the case of the United States steamer *Narragansett*, an example of activity and perfect discipline in our naval vessels that deserves to be recorded. Between March, 1871, and January, 1873, this vessel passed four hundred and eighteen days at sea—an extraordinary amount of sea duty, never before exceeded in our naval history. During this time she sailed, almost entirely under canvas, nearly sixty thousand miles, surveyed fifteen harbors and islands, and examined many reported dangers in the North and South Pacific Oceans, the Coral Sea, and the coasts of New Zealand and Australia; made treaties, and collected indemnities for injuries to American property—and all without sickness, death, or casualty of any kind.

This ship at sea, with every thing set below and aloft, has shortened all sail in two minutes, and made all sail again in three minutes—reducing sail from royals. She has double reefed her top-sails, from royals, in two and a half minutes from the order until top-sail yards were hoisted; and, with all sail on, she has shortened sail, shifted all three top-sails, and made all sail again in fifteen minutes. In port, with royal and top-gallant yards across, she has had her yards and top-gallant masts on deck in one minute and twenty seconds; all her lower yards and topmasts down in four and a half minutes; all ataut again in sixteen minutes, and royal yards across. It took four minutes to send up top-gallant masts, top-gallant and royal yards, and loose sails; and all boats have been

manned and armed for service in less than five minutes. To prepare to extinguish fire never took over one and a half minutes after the crew had reached their quarters ; and she prepared for battle by day in two and a half minutes, and by night in five minutes. All this has been taken from the actual time made, without any previous notice of the character of the exercise being given. She has badly beaten in exercise every other vessel, American and English. In one case where competition was going on, the *Narragansett's* light yards and top-gallant masts were on deck before her opponent's top-gallant masts were "unfiddled" even, and this was the champion ship, too, or at least she claimed to be until the *Narragansett* excelled her in every exercise.

The commander of the *Narragansett* was Richard W. Meade, who deserves to be very proud of his ship and his men, and the record of this cruise.

The too free use of intoxicating liquors is a fault not peculiar to our naval officers, but one that is prevalent in all the navies of the world. It arises from the too generous natures of the men who belong to the marine service ; and yet no one can doubt that it is a most serious evil, and one that requires to be kept in thorough subjection to avoid the most calamitous results. In the merchant service, many a vessel has been lost because the commanding officer or his mates were intemperate, and when the emergency came they were stupefied and powerless. At the present day, a merchant ship-owner will not employ an officer who is known to indulge in the habitual use of strong drink. It is important that this rule

should be adopted in our naval service ; but, in consequence of the pernicious social customs of the present day, this is almost an impossibility. Our officers are entertained abroad when they go ashore or call on officers in other vessels, and it becomes almost a necessity to reciprocate all such attentions in like manner. Perhaps nothing short of the passage of a law making it a penal offense to take intoxicating liquors on board our national vessels could entirely do away with this social custom. There are naval officers in our service who are strictly total-abstinence men on principle, and they are highly esteemed. But there are others—generous, noble fellows—whose only defect appears to be their lack of self-control in the use of strong drink. The writer has witnessed some most painful scenes arising from this latter cause. One instance must suffice :

I was present on one occasion in the East Indies at a dinner-party, where were also many high foreign officials ; among the number, one of our admirals and his officers, in whose honor the dinner had been given. One of these officers, ranking as a captain, and having command of one of our war vessels, was so much affected by his numerous potations that he did not know himself, and his friends would willingly have forgotten that they knew him, had that been possible. He forgot all the proprieties of the occasion, all the courtesy due his host and the other guests, and the respect due his superior officer. This captain was seated at table next the French consul, a very dignified gentleman, whom he had never met before ; but that appeared to make no difference to him, for

in the midst of the entertainment, with a resounding whack on the French consul's back, he shouted lustily, "Come, old fellow, let's drink to *la belle France!*" The dignified diplomat and the staid company were astounded, but not so the gallant captain, for having toasted the French, he couldn't well pass by the other nations represented at the feast, and so he went on, calling to a guest at the extreme right of him, another at the extreme left, demanding they should fill up and drink. He toasted his admiral (in more ways than one) several times, and insisted on that distinguished gentleman making a speech, which he very sensibly declined to do. During the whole evening he disturbed the entertainment, and yet that man was a most capable and chivalrous officer, a genial, talented gentleman—when he was himself.

The mothers and sisters, the wives and daughters of our gallant blue-jackets, owe it to themselves to do all in their power to prevail upon their sons and brothers, their husbands and fathers, to abstain from this growing evil.

The struggle for rank with which Congress is regularly annoyed at each recurring session, in the way of lengthy petitions begging special legislation to promote certain officers, has become a national nuisance. Some decided action should be taken by the Government to put a stop to all such applications in the future. There should be no interference whatever with the operation of the rule of promotion by seniority, except for acts of special heroism. As the service is now managed, it frequently happens that an officer who can bring family or political influence to bear is pretty sure to be ad-

vanced by special acts of legislation over his seniors and betters, without much regard to the regulations governing the service, or the merits of those over whom he leaps. Such a practice can not be otherwise than subversive of good order and discipline. In our navy there appears to be an excess of pay and an over-abundance of officers, hence this inordinate lust of rank. As may be seen from the relative numbers of employed and unemployed officers, many have nothing to do ; and these appear to occupy their leisure in pestering Congress for promotion. The late wordy quarrel between the line and staff of our navy, during which each branch of the service used the public press freely to abuse the other, was of a most shameful character ; but the staff officers were victorious, inasmuch as the quarrel resulted in the creation of quite a number of new and unnecessary grades in the service, with increased pay and rank. Heretofore we have had paymasters, passed assistant-paymasters, and assistant-paymasters, surgeons, passed assistant-surgeons, and assistant-surgeons ; enough, one would suppose, for all the needs of the service ; but the gentlemen occupying these positions thought otherwise—they wanted higher grade, and they had influence enough to have laws passed in consonance with their wishes ; hence we now have pay directors, pay inspectors, in addition to paymasters, passed assistant-paymasters, and assistant-paymasters ; medical directors, medical inspectors, in addition to surgeons, passed assistant-surgeons, and assistant-surgeons. We might just as well have the same grades in chaplaincies.

The men comprising the able-bodied and ordinary seamen of the United States Navy receive from \$17 50 to \$21 50 per month wages ; they are the representatives of many nations—Americans, English, Irish, Scotch, Welsh, Germans, French, Dutch, Italians, Russians, Danes, Swedes, Norwegians, and Africans may be found among the crews of our largest men-of-war ; to these may frequently be added, from the Asiatic coast, Chinese, Japanese, and natives of the isles of the Eastern Archipelago, who act as stewards, cooks, and servants. In no other navy is there this mingling of nationalities to such an extent. One reason therefor is the fact that American-born citizens can do better in other callings, and prefer to remain on shore ; another reason is that the punishments practiced on board our naval vessels are not always confined to the limitation prescribed by the law, and native Americans will not tolerate degrading, cruel, and brutal punishments. One mode of illegal punishment described to me by an officer is the confinement of a seaman in a rough box somewhat resembling a coffin, closely fitting his person, and in this he is kept for hours, and sometimes for days, not being able to sit down, lie down, or stand straight up ; the box being closed nearly tight, the poor seaman is sweated almost to death. This instrument of torture is properly called the “sweat-box,” and I am told that men have actually died in them. I am not sure that this mode of punishment is common on board the vessels of our navy, and, for the honor of our officers and the interests of humanity, I hope it is not. Indeed, I know many humane officers who would not allow such punishment on board vessels



under their command. But there can be no doubt that outrages of this kind are sometimes inflicted upon the seamen of our navy. Here is a case in point :

In January, 1871, charges were preferred against Commander Alexander H. Semmes, then commanding the United States war vessel *Portsmouth*, of the Brazil station, by eight seamen of his ship, for inflicting cruel and unlawful punishment on them. Upon these charges the Navy Department at Washington ordered the trial of Commander Semmes by court-martial, on the 31st of October, 1871, at Brooklyn, N. Y. The court was composed of some of the most distinguished officers of the service. The charges and specifications were as follows :

*First Charge.* Inflicting cruel and unlawful punishment on persons under his command.

*Second Charge.* Abuse of his official power.

*Third Charge.* Oppressive and inhuman conduct, unbecoming an officer and a gentleman.

To these charges there were eight specifications, from which it appeared—

*First.* That Frederick Vining, a private marine attached to the *Portsmouth*, was unlawfully and cruelly punished, by being so lashed and tied to a gun (cannon) that the said Vining could not lie down, sit down, or feed himself for two days ; he was obliged to stand in full uniform, with full knapsack, his musket at support arms, bound hand and foot, under the pretext of extra duty.

*Second.* That he caused Richard Matthews, a landsman at-

tached to the *Portsmouth*, to be nailed up five days in a box, wherein said Matthews could not lie at full length, etc.

*Third.* That he did unlawfully punish Manuel Fertos, by having him ironed with his hands behind his back for eight hours, in such a position that he could neither sit nor lie down; and while so secured, Fertos got asleep, fell, and dislocated his collar-bone.

*Fourth.* That he caused one Michael Deegan, attached to said ship, to be confined four days in double irons, in a standing position, so fettered that he could neither sit nor lie down.

*Fifth.* That he caused Michael Deegan, Joseph King, and Thomas Swift, three of the crew, to be confined in double irons, standing, with their hands manacled behind them, connected to their feet irons, and to a reel, in such a manner as to prevent them from either sitting or lying down for several days: for forty-eight hours of the time they were deprived of food, and part of that time they were gagged.

*Sixth.* That he caused James Collins, a landsman belonging to his ship, to be confined in four pairs of irons for four days, in the mizzen channels, where he could not sit nor lie down.

*Seventh.* That he caused Hugh Martin, a seaman, to be tried by summary court-martial. The said court acquitted Martin. Commander Semmes disapproved the finding of the court, set it aside, and then, for the same alleged offense, he punished said Martin, in disregard of the written notice of the squadron commander that such punishment was illegal.

*Eighth.* That, in the acts set forth, and in his treatment of the crew under his command, and in his want of humanity toward them, Commander Semmes was guilty of oppressive and inhuman conduct, unbecoming an officer and a gentleman.

The court-martial found Commander Semmes guilty of all these charges. Specifications fourth and sixth were not proved. Specifications first, second, third, fifth, and seventh were proved in part. Specification eighth was proved. The court sentenced the captain to be suspended from duty and rank for three years, and to be reprimanded in General Orders by the Secretary of the Navy. This reprimand\* did not amount to much, considering the offense; and the suspension from duty and rank was a very inadequate punishment; for it must be remembered that the pay of the officer, in such cases, goes on as before. The sentence amounted to leave of absence for three years with full pay.

Commander Semmes was found guilty, by a court composed of his brother officers, of permitting and inflicting punishments unauthorized, illegal, and cruel. He mistook severity for discipline; and disregarded the legal rights of the men made dependent upon him for the enjoyment of their rights, and for common justice. He punished his men in direct violation of the provisions of the law by which alone he was authorized to inflict any punishment whatever. In December, 1872, the President remitted that portion of the sentence which suspended Commander Semmes from rank and duty;

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\* General Order No. 168, Navy Department, January 6th, 1872.

and thus, in less than one year from the date of the General Order, he was restored to the service.\*

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\* In the *New York Ledger* of February 10, 1872, I find the following editorial notice of Commander Semmes's case :

"A NAVAL MONSTER.

"Commander A. H. Semmes, late of the United States sloop-of-war *Portsmouth*, has just been tried by a naval court-martial, on charges of inflicting cruel and unlawful punishments on his sailors, abuse of his official power, and oppressive and inhuman conduct unbecoming an officer and a gentleman.

"Semmes used to chain the sailors, for trivial offenses, in gangs of ten, close together, and place them on the quarter-deck to pass the night in unspeakable discomfort. While the *Portsmouth* lay in the harbor of Rio Janeiro, a man named King was persecuted till he attempted to desert, and was then fastened by his arms and feet in an immovable position in a boat alongside of the vessel, and exposed to the fierce tropical heat of the sun, until his life was nearly sacrificed. Another case of outrageous cruelty was that of a seaman named Matthews, concerning which we quote the language of the Secretary of the Navy himself :

" 'By order of Captain Semmes, he (Matthews) was seized and crammed into a box three feet long, eighteen inches wide, and eighteen inches deep. Planks cut for the purpose were then placed over the top of the box, and force was used to crush down the protruding knees and head. The planks were at length, by main force, brought down to bear upon the sides and ends of the box. Nails were driven into the planks, and the living man was boxed up under Captain Semmes's supervision. By this officer's order, he was thus kept for five days. During these one hundred and twenty hours the miserable man was never allowed to leave his coffin. With a refined cruelty that would not let him die and escape his torment, he was regularly fed through a hole six inches square.'

"These are but a few of the brutal acts of Commander Semmes, who,

In May, 1872, the *New York World* announced, on the authority of a private letter from an officer of the United States steamer *Kansas*, dated at Greytown, May 10th, that Lieutenant-Commander W——, of the *Kansas*, on the 5th of May, caused the death of seaman David H. Cady by suffocation. This sad event was said by the writer to have been occasioned by Lieutenant-Commander W—— holding one of the large deck mops over seaman Cady's mouth. It appears from the letter that at the time of his death seaman Cady was in double irons for the offense of drunkenness, and was making considerable noise. To stop the noise, Lieutenant-Commander W—— resorted to the cruel and brutal treatment above referred to. If the statement is true, as stated by the correspondent of the *World*, all must admit that the lieutenant-commander adopted a most summary and efficacious method, and was very successful in stopping poor Cady's noise and breath at the same time. I am not aware that the Navy Department has taken any notice of this occurrence.

A correspondent of the *New York Sun*, writing from on board the United States steamer *Wabash*, at Gluckstadt, Ger-

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by the way, is a nephew of Captain Raphael Semmes, of the pirate *Alabama*. Commander Semmes was found guilty of each and all the charges preferred against him, and was sentenced to suspension from duty and rank for three years, and to be reprimanded in general orders by the Secretary of the Navy. The Secretary, in his reprimand, says that 'the Department would have approved a severer sentence.' We should think so. The penitentiary is the only fitting doom for such a monster as Commander Semmes has been proved to be."

many, September 9, 1872, complains as follows of the treatment of sailors on that ship :

"We started one year ago from New York on the United States flag-ship *Wabash*, with a crew of six hundred American seamen, a majority of whom had seen service before. We had a splendid set of men, and were progressing finely, when a change was made. Our first lieutenant—a gentleman of the old school, one who always took pride in upholding the honor of the navy—was removed. He was a kind and impartial officer. Since his removal much dissatisfaction has been expressed by the seamen. His successor is vain and tyrannical, and his overbearing manner has resulted in our losing over two hundred men ; and our ship, which is stigmatized as the convict ship of the fleet, is filled up with foreigners who do not understand the English language. The vessel is more like a German academy than an American frigate. We shipped over one hundred and fifty-three Belgians at Antwerp. If we were convicts, we could not be treated worse than we are. There is a dog on board belonging to one of the officers, which has better food, and a better place to sleep, than we have. \* \* \*

W. B. J."

Another correspondent from the same ship, to the same paper, writes as follows :

\* \* \* "We left Hamburg for Cherbourg on September 15, 1872, and arrived at the latter port after a passage of five

days, and five miserable days they were ; we were put on half-rations of bread, when the ship is not by any right allowed to go to sea short of three months' provisions. \* \* \* We are cursed and d—d by every man that wears a piece of gold lace, and as they wear that gold lace, they think they should be worshiped by every man that wears a blue shirt. \* \* \* Even the lowest grade of officers, the midshipmen, call the men, 'You d—d dogs, come here, or I will help you!' and they have heaped this abuse on the men until they have driven nearly one half of them out of the ship at Southampton, and there is a very fair prospect of the other half leaving at the first opportunity. \* \* \* I can assure you there is not three out of this whole ship's company but would sooner beg their bread than join the service again, after the treatment they have received on board the *Wabash*." \* \* \*

Another correspondent, writing under date of November 5, 1872, to the *New York Sun*, from the United States steamer *Frolic*, stationed off the Battery, at New York, says :

\* \* \* "The atmosphere out here is fully fifteen degrees colder than ashore, especially in the early morning. We are turned out of our hammocks at half-past four, at least an hour and a half before daybreak, to 'wash down,' and are compelled to remain on the wet, cold deck from that time until night ; sore throats, coughs, colds, and other complaints, are the order of the day. The Government has placed a number of heaters on the berth deck, intended for the benefit of the

men ; but the only persons who have received any benefit from them thus far are a few privileged ones who are permitted to remain on that deck. The steam is turned on only during the day, and that is just when we can not enjoy it, as we are prohibited from going below. Imagine a crowd of benumbed sailors and marines hugging the 'lee side of the galley,' or any thing, in fact, which will afford the least protection from the cutting wind, and you have a fair picture of the enlisted men on the Port Admiral's flag-ship. There are but twenty sailors on the ship, who are required to do the work of fifty. \* \* \* The ship is so short-handed that, were a man to fall overboard while one boat was away, it would be impossible to man another to render him assistance. In order not to delay the work during the day, it is necessary to scrub hammocks in the dark." \* \* \*

I have no means of knowing whether the statements made in these letters to the public press are true. I merely give them as I find them. But if true, they exhibit grave misdemeanors in our naval service, and a knowledge of them on the part of the public is a great benefit to all concerned. The occurrences here alluded to have been much talked of and commented upon, and undoubtedly tarnish the fair fame of the service. Indeed, the rigorous punishments inflicted on seamen in our naval service has recently compelled the Secretary of the Navy to issue a circular, dated May 23, 1872, in which he recommends the exercise of more "care and discretion." The Secretary says :



“The Department has adverted to the frequent use by summary courts-martial of punishment by confinement in double irons. There is another punishment—confinement on bread and water—which, though authorized by law, is liable to be *inadvertently* imposed in cases where consequences not contemplated by the law would ensue, such as permanent injury to the health of the prisoner. Summary courts will, therefore, exercise *care and discretion* in resorting to this punishment, and not award it in any case for a longer period consecutively than five days.”

While the evils of the service are open to censure, its great and good deeds must be held up to commendation. In time of war our navy has always proved itself a power to be dreaded by the enemy, and our hope is that it may long continue so. While there is much to blame, there is also much to admire—honor, courage, and gallantry. Only recently, in May, 1872, the American squadron was lying in the harbor of Marseilles, and there it won a great victory of peace. An Italian ship, loaded with petroleum oil, took fire at midnight. She was surrounded by hundreds of other vessels, all of which, and the great city itself, were endangered by the conflagration. The citizens seemed paralyzed with fright, when, at the moment of supreme danger, the bugles of the American fleet were heard calling away the boats, which, twenty in number, rapidly pulled to the burning ship. The officers and men scrambled on board, scuttled the ship, working almost amid the flames, cast loose the moorings, then lashed their boats stem to stern, and pulled the

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burning vessel out into the bay, where she sunk, without injury to the city or the shipping. For this gallant deed the Americans received, as they deserved, warm praise and gratitude.



## APPENDIX A.

### *EXTRACTS FROM UNITED STATES STATUTES.*

#### NOTE I.

SHIPS' OFFICERS MUST BE CITIZENS OF THE UNITED STATES.

*(Extract.)*

*Provided, however,* That officers of vessels of the United States shall, in all cases, be citizens of the United States.—*Act of Congress, approved June 28, 1864.*

The following recent important decision by the Secretary of the Treasury, on the same subject, will also be of interest :

TREASURY DEPARTMENT, WASHINGTON, D. C., *May 31, 1873.*

To CAPTAIN ADDISON LOW, Supervising Inspector of Steam Vessels,  
New York :

*Sir,*—Your letter of the 7th instant, in regard to referring the question of granting licenses as masters, mates, pilots, and engineers, *to persons of foreign birth*, who have not been naturalized, to the Solicitor of the Treasury for his decision and opinion in the premises, has been received and was so referred.

In his reply, the Solicitor states "that the Act of June 28, 1864, repealing certain provisions of law concerning seamen on board public or private vessels of the United States, in its concluding paragraph, provides 'that officers of vessels of the United States shall, in all cases, be citizens of the United States,' and that the effect of this provision of law is in no degree

impaired by the Steam Vessels Act of February 28, 1871." You will, therefore, be guided in the future by the above decision in granting licenses to officers of steam vessels.

W. A. RICHARDSON, Secretary.

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NOTE 2.

FORBIDDING THE WEARING OF SHEATH KNIVES.

(*Extracts.*)

*Be it enacted by the Senate and House of Representatives, etc., That the existing regulation for the government of the Navy of the United States, prohibiting the wearing of sheath knives on shipboard, is hereby extended and made applicable to all seamen in the merchant service.—Act of Congress, approved July 27, 1868.*

*Remark.*—The second section of the above Act makes it the duty of the master and the owner of a ship contracting with seamen to inform them of this law, and to require compliance with the same, under a penalty of fifty dollars for each omission, one half to go to the informer.

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NOTE 3.

FORBIDDING CRUEL AND UNUSUAL PUNISHMENT.

(*Extract.*)

SEC. 3. *And be it further enacted, That if any master or other officer of any American ship or vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, shall, from malice, hatred, or revenge, and without justifiable cause, beat, wound, or imprison any one or more of the crew of such ship or vessel, or withhold from them suitable food and nourishment, or inflict upon them any*

*cruel and unusual* punishment, every such person so offending shall, *on conviction thereof*, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offense.—*Act of Congress, approved March 3, 1835.*

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## NOTE 4.

## PROTECTION OF SEAMEN FROM BOARDING-HOUSE RUNNERS.

(*Extract.*)

SEC. 62. That every person who, \* \* \* not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination \* \* \* without permission of the master, shall, for every such offense, incur a penalty not exceeding two hundred dollars, and shall be liable to imprisonment for any period not exceeding six months; and the master or person in charge of said ship may take such person \* \* \* into custody, and deliver him forthwith to any constable or police officer, \* \* \* to be dealt with according to the provisions of this Act.—*Act of Congress, approved June 7, 1872.*

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## NOTE 5.

## DISCIPLINE OF SEAMEN.—ACT OF 1872.

*For desertion* a seaman is liable to imprisonment not exceeding three months; he forfeits his clothing and any effects he leaves aboard ship, and the wages he has earned.

*For absence without leave* a seaman is liable to fine and imprisonment.

*For disobedience of lawful orders* a seaman is liable to fine and imprisonment.

*For assaulting master or mate* a seaman is liable to imprisonment not exceeding two years.

*For damaging ship, stores, or cargo, a seaman is liable to fine and imprisonment.*

*For smuggling, a seaman is liable to fine and imprisonment.—See Section 51 of Act of Congress approved June 7, 1872: Note 13, of this Appendix.*

## NOTE 6.

## SCALE OF PROVISIONS ON UNITED STATES MERCHANT VESSELS.

	Bread.	Beef.	Pork.	Flour.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.	Pease.
	Lbs.	Lbs.	Lbs.	Lbs.	Pts.	Pts.	Oz.	Oz.	Oz.	Qts.	Pts.
Sunday....	1	1½	...	..	..	..	½	½	2	3	..
Monday...	1	...	1½	½	..	..	½	½	2	3	½
Tuesday...	1	1½	...	..	..	..	½	½	2	3	..
Wednesday	1	...	1½	½	..	..	½	½	2	3	½
Thursday..	1	1½	...	..	..	..	½	½	2	3	..
Friday....	1	...	1½	½	..	..	½	½	2	3	½
Saturday..	1	1½	...	..	..	..	½	½	2	3	..

There are also substitutes provided for: Molasses for sugar; potatoes for yams; flour for rice; pease for barley; when fresh meat is issued, each man is entitled to two pounds per day, instead of salt beef or pork; onions may be substituted for potatoes.—See *Table D, Act of Congress approved June 7, 1872.*

## NOTE 7.

## RELATING TO BOND GIVEN BY SHIP-MASTERS FOR THE RETURN OF SEAMEN.

(Extracts.)

*Be it enacted, etc., That before a clearance be granted to any vessel bound on a foreign voyage, the master thereof shall deliver to the Collect-*

or of Customs a list containing the names \* \* \* of the persons who compose his ship's company, to which the oath or affirmation of the captain shall be annexed, \* \* \* and the said master shall, moreover, *enter into a bond*, with sufficient security, *in the sum of four hundred dollars*, that he shall exhibit a certified copy of the list to the first boarding officer, at the first port in the United States at which he shall arrive on his return thereto, and then and there also produce the persons named therein.—*Section 1 of Act of Congress approved February 28, 1803.*

*Remark.*—The master is relieved from the penalty of the bond in all cases where a United States Consul certifies to the discharge of seamen.

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#### NOTE 8.

##### SAILORS MUST HAVE FULL LIBERTY TO SEE THE CONSUL.

SEC. 16. The crew of any vessel shall have the fullest liberty to lay their complaints before the Consul \* \* \* in any foreign port, and shall in no respect be restrained or hindered therein by the master or any officer, unless some sufficient and valid objection exist against their landing; in which case, if any mariner desire to see the Consul, \* \* \* it shall be the duty of the master to acquaint him with it forthwith, stating the reason why the mariner is not permitted to land, and that he is desired to come on board; whereupon it shall be the duty of the Consul \* \* \* to repair on board, and inquire into the cause of the complaint.—*Act of Congress, approved July 20, 1840.*



## NOTE 9.

DUTY OF SHIP-MASTERS TO DEPOSIT THEIR PAPERS WITH THE  
CONSUL.*(Extract.)*

SEC. 2. *And be it further enacted*, That it shall be the duty of every master or commander of a ship or vessel belonging to citizens of the United States, \* \* \* on his arrival at a foreign port, to deposit his register, sea letter, Mediterranean passport, etc., with the Consul; \* \* \* in case of refusal or neglect of said master to deposit said papers, \* \* \* he shall forfeit and pay five hundred dollars. \* \* \* —*Act of Congress, approved February 28, 1803.*

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## NOTE 10.

## CONSULS' CERTIFICATES SHALL BE VALID IN LAW.

*(Extract.)*

SEC. 24. *And be it further enacted*, That every Secretary of Legation and Consular Officer is hereby authorized \* \* \* to administer \* \* \* an oath, affirmation, affidavit, or deposition, and also perform any notarial act \* \* \* required or authorized by law; \* \* \* and every such oath or affirmation, \* \* \* when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect, within the United States, as if such oath or affirmation \* \* \* had been administered \* \* \* by any other person within the United States duly authorized and competent thereto.—*Act of Congress, approved August 18, 1856*

## NOTE II.

THREE MONTHS' EXTRA WAGES TO BE PAID SEAMEN DIS-  
CHARGED ABROAD.*(Extract.)*

SEC. 3. *And be it further enacted*, That whenever any ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged, or when a seaman or mariner (a citizen of the United States\*) shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master \* \* \* to produce to the Consul \* \* \* the list of his ship's company, \* \* \* and to pay to such Consul \* \* \* for every seaman or mariner so discharged \* \* \* three months' pay, over and above the wages which may then be due to such mariner or seaman. \* \* \* — *Act of Congress, approved February 28, 1803*; also *Section 26 of Act of Congress approved August 26, 1856.*

## NOTE 12.

REQUIRING SHIP-MASTERS TO EMPLOY CONSULS TO DO OFFI-  
CIAL ACTS.*(Extract.)*

SEC. 28. *And be it further enacted*, That it shall be the duty of every master \* \* \* of a ship or vessel of the United States, whenever he shall have occasion for any consular or other official service which any Consular Officer of the United States shall be authorized \* \* \* to perform, \* \* \* to apply to such one of said officers \* \* \* to perform such service; and such master \* \* \* shall pay to such officer such fees as shall be allowed for such service; \* \* \* and if any such master \* \* \* shall omit so to do, he shall be liable \* \* \* for the amount of the fees \* \* \* as though the said services had been performed.—*Act of Congress, approved August 18, 1856.*

\* *Remark.*—All seamen aboard American ships are to be considered American citizens. See Appendix B, Regulation 128.

## NOTE 13.

## SHIPPING ACT OF JUNE 7, 1872.

An Act to authorize the appointment of shipping commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several circuit courts of the United States, in which circuits there is a seaport or seaports for which there is a collector of customs, or in which there is a port of entry, shall appoint a commissioner for such seaport within their respective circuits as in their judgment may require the same, and which shall also be ports of ocean navigation; such commissioners to be termed "shipping commissioners;" and may, from time to time, remove from office any of the said commissioners whom it may have reason to believe does not properly perform his duties; and shall provide for the proper performance of such duties until another person is duly appointed in his place; shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

SEC. 2. That every shipping commissioner so appointed shall enter into bonds to the United States, conditioned for the faithful performance of the duties required in his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient securities therefor, to be approved by said judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States; and that I will truly and faithfully discharge the duties of a shipping commissioner to the best of my ability,

and according to law." Said oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath or affirmation shall have been taken.

SEC. 3. That any shipping commissioner may engage a clerk or clerks to assist him in the transaction of the business of the shipping office, at his own proper cost, and may, in case of necessity, depute such clerk or clerks to act for him in his official capacity ; but the shipping commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Act ; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping commissioner. Each shipping commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States and the name of the seaport or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping commissioner, and purporting to be under the seal and signature of such shipping commissioner, shall be received as prima-facie evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 4. That every shipping commissioner shall lease, rent, or procure at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith, and which premises shall be styled "the shipping commissioner's office." And the general business of a shipping commissioner shall be, first, to afford facilities for engaging seamen by keeping a register of their names and characters ; secondly, to superintend their engagement and discharge, in manner hereinafter mentioned ; thirdly, to provide means for securing the presence on board at the proper times of men who are so engaged ; fourthly, to facilitate the making of apprenticeships to the sea-service ; and to perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter, under the powers herein contained, be committed to him.

SEC. 5. That such fees, not exceeding the sums specified in the table marked "A" in the schedule hereunto annexed, shall be payable upon all engagements and discharges effected before shipping commissioners as hereinafter mentioned, and such shipping commissioners shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping office; and the shipping commissioner may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

SEC. 6. That every owner, consignee, agent, or master of a ship engaging or discharging any seamen or seaman in a shipping office, or before a shipping commissioner, shall pay to the shipping commissioner the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge, from the wages of all persons (except apprentices) so engaged or discharged, and retain any sums not exceeding the sums specified in that behalf in the table marked "B" in the schedule hereto annexed.

SEC. 7. That any shipping commissioner, or any clerk or employé in any shipping office, who shall demand or receive any remuneration whatever, either directly or indirectly, for hiring or supplying any seamen for any merchant ships, excepting the lawful fees payable under this Act, shall for every such offense incur a penalty not exceeding two hundred dollars.

SEC. 8. That in the case of any place or port in which no shipping commissioner shall have been appointed, then the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such place or port; and in respect of such business, such custom-house shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed shall for all purposes be deemed a shipping commissioner within the meaning of this Act; and any person other than a commissioner under this Act who shall perform, or attempt to perform, either directly or

indirectly, the duties which are by this Act set forth as pertaining to a shipping commissioner, shall incur a penalty not exceeding five hundred dollars : *Provided*, That nothing in this Act shall be construed as to prevent the owner or consignee or master of any ship, except such as are described in section twelve of this Act, from performing himself, so far as the said ships are concerned, the duties of shipping commissioner under this Act.

SEC. 9. That every shipping commissioner appointed under this Act shall, if applied to for the purpose of apprenticing boys to the sea-service by any masters or owners of ships, or by any person or persons legally qualified, give such assistance as is in their power for facilitating the making of such apprenticeships ; but the shipping commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of said boy have consented to said apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose : *Provided*, That said apprenticeship shall terminate when the apprentice becomes eighteen years of age. And the shipping commissioner may receive from the persons availing themselves of such assistance the fees contained in table "C" in the schedule hereto annexed. And the shipping commissioner shall keep a register of all indentures of apprenticeship made before him.

SEC. 10. That the master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any), and the name of said apprentice, with the date of the indenture and the assignment or assignments thereof (if any) shall be entered on the agreement ; and no such assignment shall be made without the approval of a commissioner, the apprentice, his parents or his guardian. And for any default in obeying the provisions of this section, the master shall for each offense incur a penalty not exceeding one hundred dollars.

SEC. 11. That if any person shall demand or receive, either directly or indirectly, from any seaman seeking employment as a seaman, or from any other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorized, for providing him with employment, he shall for every such offense incur a penalty not exceeding one hundred dollars.

SEC. 12. That the master of every ship bound from a port in the United States to any foreign port, or of any ship of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be in the form, as near as may be, as hereunto in table "D" in the schedule annexed, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars, that is to say: First, the nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate; secondly, the number and description of the crew, specifying their respective employments; thirdly, the time at which each seaman is to be on board to begin work; fourthly, the capacity in which each seaman is to serve; fifthly, the amount of wages each seaman is to receive; sixthly, a scale of the provisions which are to be furnished to each seaman; seventhly, any regulation as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct as may be sanctioned by Congress as regulations proper to be adopted, and which the parties agree to adopt; eighthly, any stipulations in reference to advance and allotment of wages, or other matters not contrary to law: *Provided*, That whenever the master of any vessel shall engage his crew, or any part of the same, in any customs district where no shipping commissioner shall have been appointed under section one of this Act, he may perform for himself the duties of such commissioner, in like manner

as is provided by the proviso of section eight of this Act: *Provided further*, That this section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or on the return of any vessel to a port in the United States may reshipe and sail in the same vessel on another voyage without the payment of additional fees to the shipping commissioner by either the seamen or the master: *Provided further*, That this section shall not apply to masters of vessels when engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico.

SEC. 13. That the following rules shall be observed with respect to agreements: First, every agreement (except in such cases of agreements as are hereinafter specially provided for) shall be signed by each seaman in the presence of a shipping commissioner; secondly, when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master; thirdly, every agreement entered into before a shipping commissioner shall be acknowledged and certified under the hand and official seal of such commissioner, and shall be indorsed on or annexed to such agreement, and such certificate of acknowledgment shall be in form and manner following, to wit:

"State of ———, county of ———:

"On this ——— day of ———, personally appeared before me, a shipping commissioner in and for the said county, A. B.; C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober, and



not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

SEC. 14. That, first, if any person shall be carried to sea as one of the crew on board of any ship making a voyage as hereinbefore specified without entering into an agreement with the master of said ship, in the form and manner and at the place and times hereby in such cases required, the ship shall be held liable, and for each such offense shall incur a penalty not exceeding two hundred dollars: *Provided always*, That the ship shall not be held liable for any person carried to sea who shall have secretly stowed away himself without the knowledge of captain, mate, or of any of the officers of the ship, or who shall have falsely personated himself to the captain, mate, or officers of the ship for the purpose of being carried to sea; secondly, if any master, mate, or other officer of a ship knowingly receives, or accepts to be entered on board of any merchant ship, any seaman who has been engaged or supplied contrary to the provisions of this Act, the ship on board of which such seaman shall be found shall, for every such seaman, be liable to and incur a penalty of a sum not exceeding two hundred dollars: *Provided further*, That in case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring such penalty.

SEC. 15. That every master of a merchant ship of the United States who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen before such officer; and the same rules as are hereinbefore contained with respect to the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the

same has been signed in his presence, and otherwise made as hereby required; and every master who engages any seaman in any place in which there is a consular officer or commercial agent otherwise than as hereinbefore required shall incur a penalty not exceeding one hundred dollars, for which penalty the ship shall be held liable; and all such agreements so made shall be void, and the seaman so engaged shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped.

SEC. 16. That all stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

SEC. 17. That no advance of wages shall be made or advance security given to any person but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contain a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman except in the presence of the shipping commissioner.

SEC. 18. That if any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the above provisions, the wages of such seaman shall be recoverable by him as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon unless he was a party to such breach.

SEC. 19. That whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sail in the ship from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not

otherwise, the person discounting the security may, ten days after the final departure of the ship from the said port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security, in any justice's or other competent court; and in any such proceeding it shall be sufficient for such person to prove the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman, and the seaman shall be presumed to have sailed in the ship from such port as aforesaid, and to be duly earning his wages, unless the contrary is proved.

SEC. 20. That the master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement (omitting signatures) to be placed or posted up in such part of the ship as to be accessible to the crew; and on default shall for each offense incur a penalty not exceeding one hundred dollars.

SEC. 21. That any seaman who has signed an agreement, and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation; and may, on adducing such evidence as the court hearing the case deems satisfactory of having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

SEC. 22. That all seamen discharged in the United States from merchant ships engaged in voyages as described in section twelve of this Act shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this Act, except in cases where some competent court otherwise directs; and any master or owner of any such ship who discharges any such seaman belonging thereto, or, except as aforesaid, pays his wages within the United States in any other manner, shall incur a penalty not exceeding fifty dollars.

SEC. 23. That every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping commissioner, to such shipping commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever, and in default shall for each offense incur a penalty not exceeding fifty dollars; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in a book to be kept for that purpose, to be called the "Official Log-book," as hereinafter provided, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing, before any competent authority, of any complaint or question relating to such payment.

SEC. 24. That upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form hereto annexed, marked "E;" and if any master fail to sign and give to any such seaman such certificate and discharge, he shall for each such offense incur a penalty not exceeding fifty dollars: *Provided*, That the proviso annexed to section twelve, which applies to masters of vessels engaging seamen under that proviso, shall also apply to such masters of vessels in the discharge of seamen.

SEC. 25. That every shipping commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties, and any document purporting to be under the hand and official seal of a commissioner, such submission or award shall be prima-facie evidence thereof.

SEC. 26. That in any proceeding relating to the wages, claims, or discharge of any seaman, carried on before any shipping commissioner, under the provisions of this Act, such shipping commissioner may call upon the owner or his agent, or upon the master or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their respective possession or power, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping commissioner, does not produce any such books, papers, or documents as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he show some reasonable cause for such default, for each offense incur a penalty not exceeding one hundred dollars, and, on application being made by the shipping commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the proceedings of the court.

SEC. 27. That the following rules shall be observed with respect to the settlement of wages, that is to say: First, upon the completion before a shipping commissioner of any discharge and settlement, the master or owner and each seaman respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect to the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose: *Provided*, That both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping commissioner; secondly, such release so signed and attested shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement; thirdly, a copy of such release, certified under the hand and seal of such shipping commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all

the effect of the original of which it purports to be a copy ; fourthly, in cases in which discharge and settlement before a shipping commissioner are hereby required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim ; fifthly, upon payment being made by a master before a shipping commissioner, the shipping commissioner shall, if required, sign and give to such master a statement of the whole amount so paid, and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 28. That upon every discharge effected before a shipping commissioner the master shall make and sign, in a form marked "E," in schedule thereto annexed, a report of the conduct, character, and qualifications of the persons discharged, or may state on said form that he declines to give any opinion upon such particulars, or upon any of them ; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

SEC. 29. That every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant ship or ships of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States ; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and shall have served said three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant ship of the United States, any thing to the contrary in any previous Act of Congress notwithstanding ; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen.

SEC. 30. That a seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

SEC. 31. That no seaman shall by any agreement other than is provided by this Act forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

SEC. 32. That no right to wages shall be dependent on the earning of freight by the ship; and every seaman and apprentice who would be entitled to demand and receive any wages if the ship on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned; but in all cases of wreck or loss of ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim.

\* SEC. 33. That in cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the ship, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

SEC. 34. That no seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for his beginning work; nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

SEC. 35. That the master or owner of any ship making voyages as hereinbefore described in section twelve of this Act, except foreign-going ships,

shall pay to every seaman his wages within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens ; and in the case of foreign-going ships, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens ; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him ; and every master or owner who neglects or refuses to make payment in manner aforesaid without sufficient cause shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid ; and such sum shall be recoverable as wages in any claim made before the court : *Provided*, That this section shall not apply to the masters or owners of any vessel where the seaman is entitled to share in the profits of the cruise or voyage.

SEC. 36. That any three or more of the crew of any merchant ship of the United States, as described in section twelve of this Act, may complain to any officer in command of any of the ships of the United States Navy, or any American consular officer, or any shipping commissioner, or any chief officer of the customs, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity ; such officer shall thereupon examine the said provisions or water, or cause them to be examined ; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship ; and if such master do not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so signified to be of a bad quality and unfit for use, or do not procure the requisite quantity of any so signified to be insufficient in quantity, or use any provisions or water which have been so signified as aforesaid to be of bad quality and unfit for use, he shall in every such case incur a penalty not exceeding one hundred dollars ; and upon every such



examination as aforesaid, the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge of the port at which such vessel is bound, and such report shall be received in evidence in any legal proceedings.

SEC. 37. That if the officer to whom any such complaint as last aforesaid is made, certify in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

SEC. 38. That if any seaman, as aforesaid, while on board any ship, shall state to the master that he desires to make complaint, as aforesaid, to any consular officer, or naval officer of any ship of the United States, or any shipping commissioner, against the master, the said master shall, if the ship is then at a place where there is any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such place as the service of the ship will permit, allow such seaman, or any of them, to go ashore, or send him or them ashore, in proper custody, so that he or they may be enabled to make such complaint; and shall in default incur a penalty not exceeding one hundred dollars.

SEC. 39. That in the following cases, that is to say, first, if during a voyage the allowance of any of the provisions which any seaman has, by his agreement, stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore); secondly, if it is shown that any of such provisions are, or have been during the voyage, bad in quality and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and

to be recoverable as, wages, that is to say : First, if his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fifty cents a day ; secondly, if his allowance is reduced by more than one third of such quantity, a sum not exceeding one dollar a day ; thirdly, in respect of such bad quality, as aforesaid, a sum not exceeding one dollar a day. But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

SEC. 40. That every ship belonging to a citizen or citizens of the United States, as described in section twelve of this Act, shall be provided with a chest of medicines ; and every sailing-ship bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn or the Cape of Good Hope, or engaged in the whale or other fisheries, or in-sealing, shall also be provided with and cause to be kept a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other antiscorbutics, as Congress may sanction, to be served out to every seaman as follows, that is to say, the master of every such ship as last aforesaid shall serve the lime or lemon juice, and sugar and vinegar to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues, the lime or lemon juice and sugar daily at the rate of half an ounce each per day, and the vinegar weekly at the rate of half a pint per week for each member of the crew.

SEC. 41. That if on any such ship as aforesaid such medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, as are hereinbefore required, are not provided and kept on board, as hereinbefore required, the master or owner shall incur a penalty not exceeding five hundred dollars ; and if the master of any such ship as aforesaid neglect

to serve out the lime or lemon juice, and sugar and vinegar, in the case and manner hereinbefore directed, he shall for each such offense incur a penalty not exceeding one hundred dollars; and if any master is convicted in either of the last-mentioned penalties, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

SEC. 42. That every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall for every offense incur a penalty not exceeding fifty dollars. And every vessel bound to any foreign port shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months, and every such vessel shall be provided with fuel, and a safe and suitable room in which a fire can be kept for the use of seamen.

SEC. 43. That whenever any seaman or apprentice belonging to or sent home on any merchant ship, whether a foreign-going ship or home-trade ship, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he think fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, containing the following particulars, that is to say: First, a statement of the amount of money so left by the deceased; secondly, in case of a sale, a description of each article sold, and the sum received for each; thirdly, a statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom; and shall cause such entry to be attested by the mate and one of the crew.

SEC. 44. That in cases provided for by the last preceding section, the following rules shall be observed: First, if the ship proceed at once to

any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of, or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping commissioner at the port of destination in the United States ; secondly, if the ship touch and remain at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage ; and such officer may, if he consider it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt ; and the master shall, within forty-eight hours after his arrival at his port of destination in the United States, produce the same to the shipping commissioner there ; and such consular officer shall in such case indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment ; thirdly, if such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there ; fourthly, the master shall in all cases in which any seaman or apprentice dies during the progress of the voyage or engagement, give to such officer or shipping commissioner as aforesaid an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid, and no deductions claimed in such account shall be allowed unless verified, if there is any official log-book, by such entry therein as hereinbefore required ; and also by such other vouchers (if any) as may be reasonably required by the officer or shipping commissioner to whom the account is rendered ; fifthly, upon due compliance with such of the provisions of this section as relates to acts to be done at the port of destination in the United States, the shipping commissioner shall grant to the

master a certificate to that effect, and no officer of customs shall clear inward any foreign-going ship without the production of such certificate.

SEC. 45. That if any master fail to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as hereinbefore respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the judicial circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and such master shall, in addition for every such offense, incur a penalty not exceeding treble the value of the money or effects, or, if such value is not ascertained, not exceeding two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fail to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is hereinbefore mentioned as incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are enabled to recover wages due to them.

SEC. 46. That if any such seaman or apprentice as last aforesaid die at any place out of the United States, leaving any money or effects not on board of his ship, the United States consul or commercial agent at or nearest the place shall claim and take charge of such money and effects; and such officer shall, if he think fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Act, and shall quarterly remit to the judge of the district court of the port from which such ship sailed, or the port where the voy-

age terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions hereinbefore contained, and shall render such accounts thereof as the district judge requires.

SEC. 47. That whenever any seaman or apprentice dies in the United States, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

SEC. 48. That every shipping commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the said money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to said money and effects; and should any commissioner fail to pay, remit, and deliver to the circuit court within the time hereinbefore mentioned, he shall incur a penalty not exceeding treble the amount of the value of such money and effects.

SEC. 49. That if the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of said effects which have been sold, either before delivery to the circuit court or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his said money and effects, as the said court thinks fit to allow, the said court may, if it think fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction of the court either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the statute for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate,

or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if it think fit so to do, require probate or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

SEC. 50. That in cases of wages or effects of deceased seamen or apprentices received by the circuit courts, to which no claim is substantiated within six years after the receipt thereof by any of the said courts, it shall be in the absolute discretion of any of such courts, if any subsequent claim is made, either to allow or refuse the same; and each of the respective courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in the opinion of such court, it is not necessary to retain for the purpose of satisfying claims, into the treasury of the United States, which moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant-marine service.

#### DISCIPLINE OF SEAMEN.

SEC. 51. That whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offenses, he shall be liable to be punished as follows, that is to say: First, for desertion, he shall be liable to imprisonment for any period not exceeding three months, and also to forfeit all or any part of the clothes or effects he leaves on board, and all or any part of the wages or emoluments which he has then earned; secondly, for neglecting and refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing

from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave, and without sufficient reason, from his ship or from his duty, not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding one month, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and, in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute; thirdly, for quitting the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay; fourthly, for willful disobedience to any lawful command, he shall be liable to imprisonment for any period not exceeding two months, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding four days' pay; fifthly, for continued willful disobedience to lawful commands, or continued willful neglect of duty, he shall be liable to imprisonment for any period not exceeding six months, and also, at the discretion of the court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding twelve days' pay, or any expenses which have been properly incurred in hiring a substitute; sixthly, for assaulting any master or mate, he shall be liable to imprisonment for any period not exceeding two years; seventhly, for combining with any other or others of the crew to disobey lawful commands or to neglect duty, or to impede navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve months; eighthly, for willfully damaging the ship, or embezzling or willfully damaging any of the stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve months; ninthly, for any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is



sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall also be liable to imprisonment for a period not exceeding twelve months.

SEC. 52. That upon the commission of any of the offenses enumerated in the last preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and also by the mate or one of the crew; and the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

SEC. 53. That whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner or consignee, or shipping commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant, and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or justices of any state, city, town, or county within the United States capable of taking cognizance of offenses of like

degree and kind of the matter, to be dealt with according to the provisions hereinbefore contained in reference to such cases ; and may, for the purposes of conveying him before such court of justice, detain him in custody for a period not exceeding twenty-four hours, or shorter time, as may be necessary, or may, if he do not so require, or if there is no such court at or near the place, at once convey him on board ; and if such apprehension appear to the court of justice before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping commissioner who makes the same, or causes the same to be made, shall incur a penalty not exceeding one hundred dollars ; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

SEC. 54. That any master of, or any seaman or apprentice belonging to, any merchant ship who, by willful breach of duty, or who, by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage to such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offense be deemed guilty of a misdemeanor, and shall be liable to imprisonment for a period not exceeding twelve months.

SEC. 55. That all clothes, effects, and wages which, under the provisions of this Act, are forfeited for desertion, shall be applied in the first instance in payment of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place, and the balance (if any) shall be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of such ship terminates ; and the shipping commissioner shall account to and pay over such balance to the judge of the circuit court within one month after said commissioner receives the same, to be disposed of by him in the same man-

ner as hereinbefore provided for the disposal of the money, effects, and wages of deceased seamen ; in all other cases of forfeiture of wages, under the provisions hereinbefore contained, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable ; and in case any master or owner neglects or refuses to pay over to the shipping commissioner such balance aforesaid, he shall incur a penalty of double the amount of such balance, which shall be recoverable by the commissioner in the same manner that seamen's wages are recovered.

SEC. 56. That any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

SEC. 57. That whenever, in any proceeding relating to seamen's wages, it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offense by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

SEC. 58. That every ship making voyages as described in section twelve of this Act shall have an official log-book ; and every master of such ship shall make, or cause to be made therein, entries of the following matters, that is to say : First, every legal conviction of any member of his crew, and the punishment inflicted ; secondly, every offense committed by any member of his crew for which it is intended to prosecute or to enforce a forfeiture, together with such statement concerning the reading over of such entry, and concerning the reply (if any) made to the charge, as hereinbefore required ; thirdly, every offense for which punishment is inflicted on board, and the punishment inflicted ; fourthly, a statement of the conduct, character, and qualifications of each of his crew, or a statement that

he declines to give an opinion of such particulars; fifthly, every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment (if any); sixthly, every case of death happening on board, with the cause thereof; seventhly, every birth happening on board, with the sex of the infant, and the names of the parents; eighthly, every marriage taking place on board, with the names and ages of the parties; ninthly, the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof; tenthly, the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom; eleventhly, the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

SEC. 59. That every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port be made more than twenty-four hours after such arrival.

SEC. 60. That if in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall for each such offense incur a penalty not exceeding twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge, more than twenty-four hours after such arrival, shall for each offense incur a penalty not exceeding one hundred and fifty dollars.

## PROTECTION OF SEAMEN.

SEC. 61. That no wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages, or of salvage made prior to the accruing thereof, shall bind the party making the same, except such advanced securities as are provided for in this Act.

SEC. 62. That every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any ship about to arrive at the place of her destination before her actual arrival, and before she has been completely moored, without permission of the master, shall for every such offense incur a penalty not exceeding two hundred dollars, and shall be liable to imprisonment for any period not exceeding six months; and the master or person in charge of said ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, and to be dealt with according to the provisions of this Act.

SEC. 63. That if, within twenty-four hours after the arrival of any ship at any port in the United States, any person, then being on board such ship, solicit any seaman to become a lodger at the house of any person letting lodgings for hire, or take out of such ship any effects of any seaman, except under his personal direction, and with the permission of the master, he shall for every such offense incur a penalty not exceeding fifty dollars, or shall be liable to imprisonment for any period not exceeding three months.

SEC. 64. That all penalties and forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered with costs, either in any circuit court of the United

States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense shall be committed or the offender shall be ; and in case of a conviction under this Act, and the sum imposed as a penalty by the court shall not be paid either immediately after the conviction or within such period as the court shall at the time of the conviction appoint, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term or terms hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs ; and all penalties and forfeitures mentioned in this Act, for which no special application is hereinbefore provided, shall, when recovered, be paid and applied in manner following, that is to say, so much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the treasury of the United States, and appropriated as provided for in section fifty of this Act : *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this Act, to mitigate or reduce such penalty as to such court shall appear just and reasonable ; but no such penalty shall be reduced to less than one third of its original amount : *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States ; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

SEC. 65. That to avoid doubt in the construction of this Act, every person having the command of any ship belonging to any citizen of the United States shall, within the meaning and for the purposes of this Act, be deemed and taken to be the "master" of such ship ; and that every

person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman" within the meaning and for the purposes of this Act; and that the term "ship" shall be taken and understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this law may be applicable; and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the ship shall belong.

SEC. 66. That in no case shall the salary, fees, and emoluments of any officer appointed under this Act be more than five thousand dollars per annum; and any additional fees shall be paid into the treasury of the United States.

SEC. 67. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 68. That this Act shall take effect in sixty days after its passage; but its provisions in regard to appointments under it shall take effect immediately.

#### SCHEDULE.

##### TABLE A. (Section 5.)

Scale of fees for matters transacted at shipping commissioners' offices:

First. Fee payable on engaging a crew, for each member of the crew (except apprentices).....	\$2 00
Secondly. Fee payable on discharging a crew, for each member of the crew discharged.....	50 cents.

##### TABLE B. (Section 6.)

Sums to be deducted from wages of seamen in partial repayment of the fees payable in Table A:

In respect of engagements, from the wages of each member of the crew.....	25 cents.
In respect of discharges, from the wages of each member of the crew.....	25 cents.

TABLE C. (Section 7.)

Fees payable by the master or owner for apprenticing boys to the sea service :

For each boy so bound, including the indenture. . . . . \$5 00

TABLE D. (Section 12.)

## FORM OF ARTICLES OF AGREEMENT.

UNITED STATES OF AMERICA,

(Date and place of first signature of agreement, including name of ship-ping-office.)

It is agreed between the master and seamen or mariners, of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_ to \_\_\_\_\_ (here the voyage is to be described, and the places named at which the ship is to touch, or, if that can not be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in every thing relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore ; and in consideration of which service, to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enter himself as qualified for a duty which he proves him-







I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated — day of —, eighteen hundred and —.

(Signed) — —, Master.

(Countersigned) — —, Seaman.

Given to the above-named seaman in my presence this — day of —, eighteen hundred and —.

(Signed) — —, Shipping Commissioner.

Approved June 7, 1872.

## NOTE 14.

AN ACT FOR THE BETTER PROTECTION OF  
SEAMEN IN THE HARBOR OF NEW YORK.

PASSED MARCH 21ST, 1866.

(Recently declared Constitutional by Judge Sutherland.)

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. It shall not be lawful for any person, except a pilot or public officer, to board or attempt to board a vessel arriving in the port or harbor of New York, before such vessel shall have been made fast to the wharf, without first obtaining leave from the master or person having charge of such vessel, or leave, in writing, from her owners or agents.

SEC. 2. It shall not be lawful for any owner, agent, master, or other person having charge of any vessel arriving at or being in the port of New York, to permit or authorize any sailors' hotel or boarding-house keeper, not licensed as hereinafter provided, or any agent, runner, or employé of any sailors' hotel or boarding-house keeper, to board or attempt to board any vessel arriving in, or lying, or being in the harbor or port of New York, before such vessel shall have been made fast to the wharf, or anchored, with intent to invite, ask, or solicit the boarding of any of the crew employed on such vessel.

SEC. 3. It shall not be lawful for any sailors' hotel or boarding-house keeper, or the employé of any sailors' hotel or boarding-house keeper, having boarded any vessel made fast to any wharf in the port of New York, to neglect or refuse to leave said vessel, after having been ordered so to do by the master or person having charge of such vessel.

SEC. 4. It shall not be lawful for any person to keep, conduct, or carry on, either as owner, proprietor, agent, or otherwise, any sailors' boarding-house or sailors' hotel in the city of New York or the city of Brooklyn without having the license in this Act provided.

SEC. 5. It shall not be lawful for any person not having the license in this Act provided, or not being the regular agent, runner, or employé of a person having such license, to invite, ask, or solicit in the city or harbor of New York or city of Brooklyn the boarding or lodging of any of the crew employed on any vessel.

SEC. 6. There shall be, and is hereby created, a Board, denominated a Board of Commissioners, for licensing sailors' boarding-houses or hotels, in the cities of New York and Brooklyn, consisting of one person to be selected by each of the following corporate bodies or associations respectively, to wit: The Chamber of Commerce of the State of New York, the American Seamen's Friend Society in New York, the New York Board of Underwriters, the Marine Society of New York, and the Society for Promoting the Gospel among Seamen in the Port of New York.

SEC. 7. Such Board shall organize for the transaction of business as soon as practicable after the passage of this Act. They shall take the application of any person applying for a license to keep a sailors' boarding-house or sailors' hotel in the city of New York, and upon satisfactory evidence to them of the respectability and competency of such applicant, and of the suitability of his accommodations, shall issue to him a license, which shall be good for one year, unless sooner revoked by said Board, to keep a sailors' boarding-house in the city of New York or Brooklyn, and to invite and solicit boarders for the same.

SEC. 8. Such Board may, upon satisfactory evidence of the disorderly character of any sailors' hotel or boarding-house licensed as hereinbefore provided, or of the keeper or proprietor of any such house, or of any force, fraud, deceit, or misrepresentation, in inviting or soliciting boarders or lodgers for such house, on the part of such keeper or proprietor, or of any of his agents, runners, or employés, or of any attempt to persuade or entice any of the crew to desert from any vessel in the harbor of New York, by such keeper or proprietor, or any of his agents, runners, or employés, revoke the license for keeping such house.

SEC. 9. Every person receiving the license hereinbefore provided for

shall pay to the Board of Commissioners aforesaid the sum of twenty dollars, which, after deducting the actual expenses of said Board incurred in the transaction of the business, which expenses shall not exceed the sum of fifteen hundred dollars, shall be by them applied for the relief of shipwrecked and destitute seamen.

Said Board shall file, on the second Monday of January of each year, in the Office of the Clerk of the City and County of New York, a statement showing the number of licenses issued, the names of persons to whom issued, with the name of the street and number of the house licensed, during the year preceding; the amount of money received therefor; the amount and items of their disbursements; and the amount distributed by them as hereinbefore directed.

SEC. 10. The said Board shall appoint a president and secretary, and shall keep an office in the city of New York, and make such by-laws and regulations as may be needful for the orderly conduct of its business not inconsistent with the constitution and laws of this state.

SEC. 11. The said Board shall furnish to each sailors' hotel or boarding-house keeper, licensed by them as aforesaid, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding-house keeper, and the number and street of his hotel or boarding-house; and which said badges or shields shall be surrendered to said Board upon the revocation by them or expiration of any license granted by them as herein provided.

SEC. 12. Every sailors' hotel or boarding-house keeper, and every agent, runner, or employé of such hotel or boarding-house keeper, when boarding any vessel in the harbor of New York, or when inviting or soliciting the boarding or lodging of any seaman, sailor, or person employed on any vessel, shall wear, conspicuously displayed, the shield or badge referred to in the foregoing section.

SEC. 13. It shall not be lawful for any person, except those named in the preceding section, to have, wear, exhibit, or display any such shield or badge to any of the crew employed on any vessel with intent to invite, ask,

or solicit the boarding or lodging of any of the crew employed on any vessel being in the harbor of New York.

SEC. 14. Whoever shall offend against any or either of the provisions contained in sections 1, 2, 3, 4, 5, 12, and 13 in this Act, and any commissioner appointed under this Act who shall, directly or indirectly, receive any gratuity or reward other than as herein provided for, or on account of any license under this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in a county jail for a term not exceeding one year, and not less than thirty days, or by a fine not exceeding two hundred and fifty dollars, and not less than one hundred dollars, or by both such fine and imprisonment.

SEC. 15. The word "vessel," as used in this Act, shall include vessels propelled by steam.

SEC. 16. This Act shall take effect on the first day of May next.

## APPENDIX B.

### *EXTRACTS FROM U. S. CONSULAR REGULATIONS.*

#### AMERICAN SEAMEN.

REGULATION 128.—*All seamen regularly shipped in American vessels are to be regarded as American seamen, within the provision of the Act of 1803, and the other Acts making provisions for the discharge and relief of seamen.—Edition of 1870, page 43.*

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#### WHEN SAILORS COMPLAIN THAT A VESSEL IS UNSEAWORTHY.

REGULATION 143.—The master is required to pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the consular officer; but in case the inspectors report that the complaint is without good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consular officer directing the inquiry may officially certify.—*Edition of 1870, page 45.*

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#### DEMAND OF THREE MONTHS' EXTRA WAGES.

REGULATION 148.—It is the duty of all consular officers of the United States, when seamen or mariners are thus discharged within their jurisdiction, to collect of the vessel three months' pay over and above the wages which may then be due to such mariner or seaman in the following cases :

•



1. When a ship or vessel belonging to a citizen of the United States shall be sold in a foreign country, and her company discharged.

2. When a seaman or mariner shall with his own consent be discharged in a foreign country.

3. When a vessel has been condemned by inspectors, as above stated.

4. When on the complaint of a mariner that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the complaint is found to be well-founded, and the mariner is discharged; but in this case, if the consul is satisfied that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, he may, if he deem it just, discharge the mariner without directing the three months' extra pay.

No payment of extra wages is to be required in cases of wrecked or stranded ships or vessels, or ships or vessels condemned as unfit for service.—*Edition of 1870, page 46.*

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#### WHEN SEAMEN ARE ENTITLED TO FULL THREE MONTHS' WAGES.

REGULATION 151.—Of the extra wages collected, one third belongs to the United States, the other two thirds to the discharged seaman; except in the case of a vessel condemned by inspectors on complaint of the officers and crew, in which case all belongs to the seamen.—*Edition of 1870, page 47.*

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#### WAGES OF SEAMEN ON WHALERS.

REGULATION 154.—When seamen have been shipped on board American vessels, without the rate of their wages being specified on the shipping articles, as on board of whaling-ships, where they are shipped by the "lay," they shall be entitled on their discharge at a foreign port to the sum of twenty dollars per month as extra wages.—*Edition of 1870, page 47.*

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DESERTERS MUST BE CARED FOR BY CONSULS.

REGULATION 156.—A destitute deserter may be entitled to relief equally with a discharged seaman.—*Edition of 1870, page 48.*

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## SLOP-CHEST ACCOUNTS.

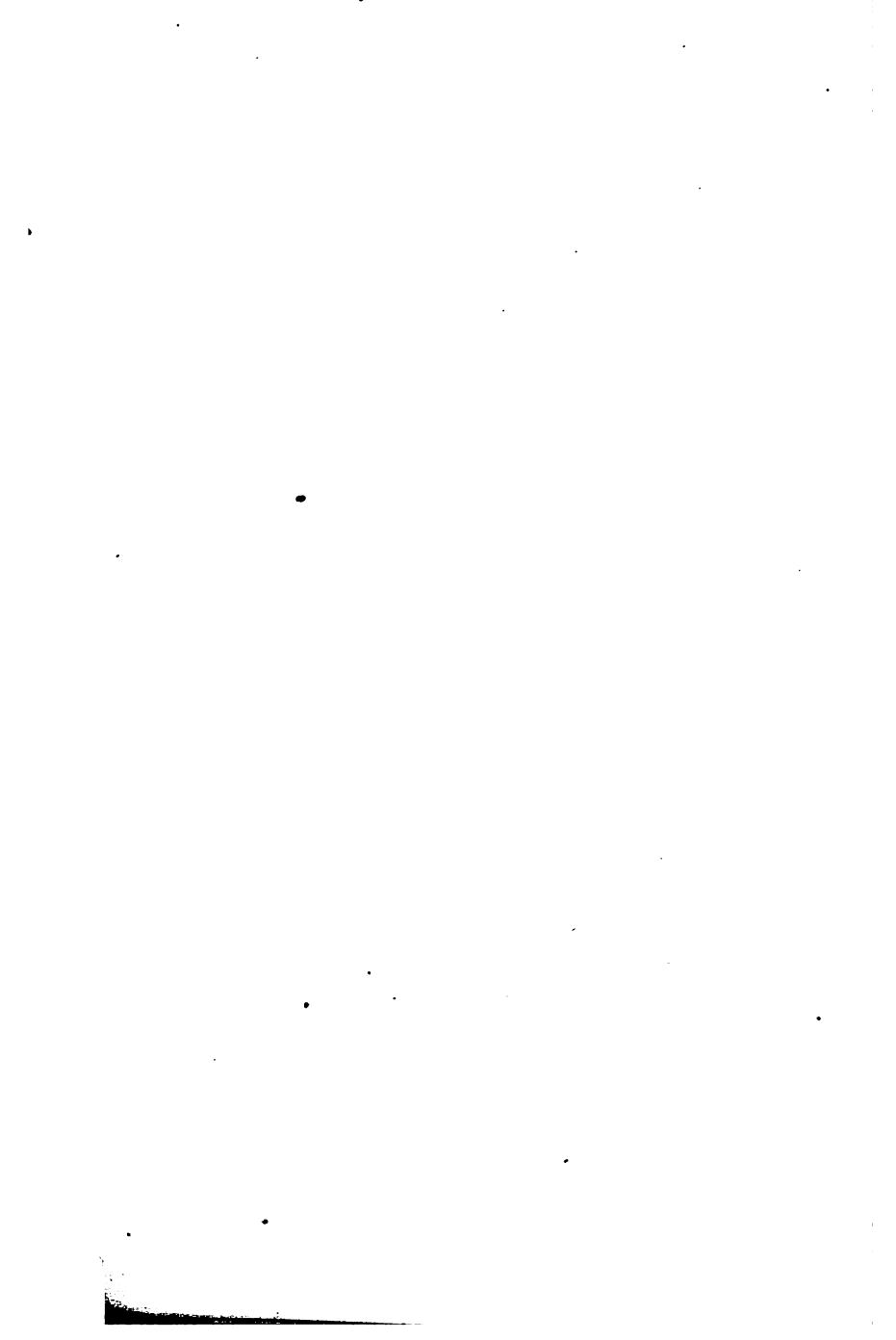
REGULATION 569.—In settling the accounts of such wages or interest, no allowance or deduction shall be made, except for moneys actually paid, *or goods at a fair price supplied*, or expenses incurred to or for such seaman or mariner, any receipt or voucher from or arrangement with such seaman or mariner to the contrary notwithstanding.—*Edition of 1868.*

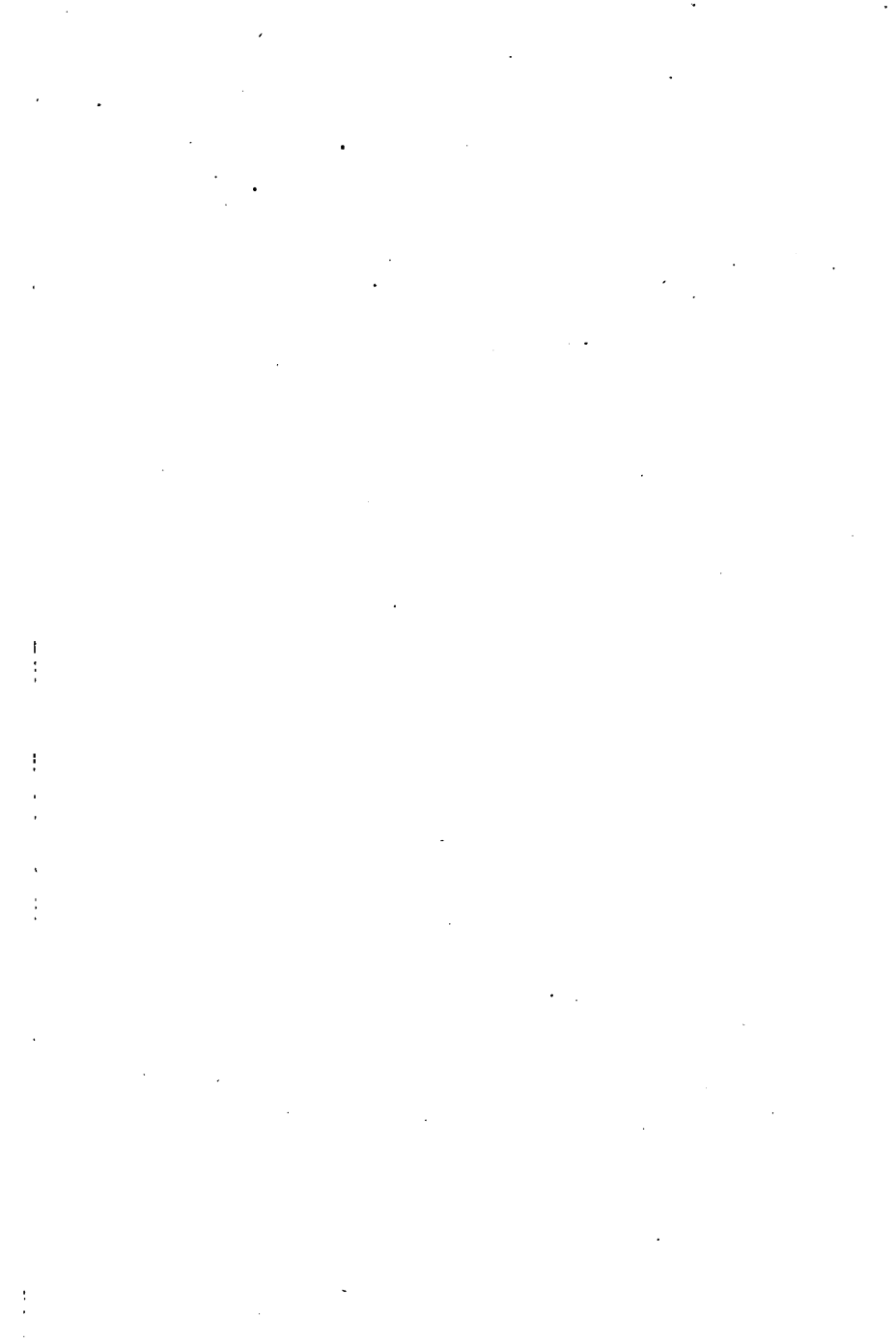
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## WHEN CONSULS HAVE NO AUTHORITY ON BOARD SHIPS.

REGULATION 616.—Consular officers have no right, however, to exercise any authority on board of a vessel, if the officer in command is obeyed by his crew, or by a sufficient number of them to enable him to navigate the vessel; but the lawful authority of a captain \* \* \* is to be maintained, if necessary, by the aid of the consular officer. \* \* \* —*Edition of 1868, page 314.*

THE END.





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